



## **Town of Arlington Board of Selectmen**

### **Meeting Agenda**

February 23, 2015

7:15 PM

Selectmen's Chambers, 2nd Floor, Town Hall

#### **PROCLAMATIONS**

1. Proclamation: White Ribbon Day  
Elaine Shea

#### **FOR APPROVAL**

2. For Approval: Establishment of Veterans' Council  
Christine Bongiorno, Director of Health and Human Services  
Jeffrey Chunglo, Director of Veterans Services

#### **CONSENT AGENDA**

3. Minutes of Meetings: February 12, 2015
4. Reappointment: Cyrus Dallin Art Museum, Board of Trustees  
Dan Johnson (term to expire 12/31/2017)

#### **APPOINTMENTS**

5. Cyrus Dallin Art Museum, Board of Trustees  
Chris Costello (term to expire 2/28/2018)

#### **WARRANT ARTICLE HEARINGS**

Articles for Review

Article 8 Bylaw Amendment/Limiting Speaking Time for Announcements and Reports

Article 9 Bylaw Amendment/Human Rights Commission

Article 10 Bylaw Amendment/Description of the Mount Gilboa/Crescent Hill District

Article 11 Bylaw Amendment/Establishment of a Community Preservation Committee

Article 15 Home Rule/Board of Assessor Changes

Article 16 Acceptance of Legislation/Complete Streets Program

#### **CORRESPONDENCE RECEIVED**

FY2015 CDBG Allocation

Cliff Taffet, US Department of Housing and Urban Development - Be Rec'd

Set Two Hour Limit on Robbins Library and Whittemore-Robbins House Parking Lots  
Jeff Boudreau, 99 Bow Street via Request/Answer Center - Be Rec'd  
Parking on West Side of Mill Street  
Edward Starr, 7 Twin Circle Drive - Be Rec'd

**NEW BUSINESS**

**EXECUTIVE SESSION**

Next Meeting of BoS March 9, 2015



## Town of Arlington, Massachusetts

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### Proclamation: White Ribbon Day

**Summary:**  
Elaine Shea

#### ATTACHMENTS:

Type	Description
 Reference Material	Proclamation

## OFFICE OF THE BOARD OF SELECTMEN

STEVEN M. BYRNE, CHAIR  
JOSEPH A. CURRO, JR., VICE CHAIR  
KEVIN F. GREELEY  
DIANE M. MAHON  
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

### PROCLAMATION

**WHEREAS:** The impacts of domestic violence reach many segments of our community, regardless of gender identity, age, race, ethnic origin, sexual orientation, or disability; and

**WHEREAS:** The particularly pressing problem of violence against women, sexual assault and domestic violence is recognized by both women and men in our community as a matter of deep concern; and

**WHEREAS:** The Town of Arlington, our Community Safety and Health and Human Services professionals, and our residents have exercised leadership in raising awareness about domestic violence, encouraging us all to be "upstanders," supporting survivors, and holding offenders accountable; and

**WHEREAS:** The White Ribbon Campaign was started in Canada in 1991 to urge men to speak out in opposition to violence against women; and

**WHEREAS:** The White Ribbon Campaign has spread to 60 countries and garnered 5 million signatures of support from concerned men; and

**WHEREAS:** The White Ribbon Day Pledge states: "From this day forward, I promise to be a part of the solution in ending violence against women"; and

**WHEREAS:** The White Ribbon Campaign has been endorsed by public officials and leaders in law enforcement, business, education, health care and athletics from throughout the Commonwealth of Massachusetts as a means of supporting a comprehensive approach to domestic violence.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Selectmen, do hereby express support for efforts - both local and beyond - to combat the scourge of violence against women; and be it further

**RESOLVED** that March 5, 2015 is proclaimed as WHITE RIBBON DAY in the Town of Arlington and that all residents are encouraged to pay fitting observance thereof; and be it further

**RESOLVED** that white ribbons - along with a copy of the White Ribbon Day Pledge - will be available in the Selectmen's office during the week of White Ribbon Day for all municipal officials and employees and members of the public who wish to express visible support.

\_\_\_\_\_ **SELECTMEN**  
\_\_\_\_\_ **OF THE**  
\_\_\_\_\_ **TOWN**  
\_\_\_\_\_ **OF**  
\_\_\_\_\_ **ARLINGTON**

A true record.

ATTEST:

By: \_\_\_\_\_  
Board Administrator



## **Town of Arlington, Massachusetts**

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### **For Approval: Establishment of Veterans' Council**

#### **Summary:**

Christine Bongiorno, Director of Health and Human Services  
Jeffrey Chunglo, Director of Veterans Services

#### **ATTACHMENTS:**

Type	Description
Backup Material	Memorandum to Board



# Town of Arlington

## Department of Health and Human Services

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3170

Fax: (781) 316-3175

### MEMO

TO: Arlington Board of Selectmen

FROM: Christine Bongiorno, Director of Health and Human Services  
Jeff Chunglo, Director of Veterans Services

DATE: January 30, 2015

RE: Request to establish a Veterans Council

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As you are aware, there are a number of Veterans memorials located throughout the town. Over the next decade, there will be many decisions that will need to be made relative to these areas and therefore, we request permission to establish a Veterans Council.

It is recommended that the proposed Council be made up of 7 members with the majority of the members being a veteran or a family member of a veteran. The members should be solicited from the business community, veterans service organizations and the general public. Advertising for the seats will be done through the Advocate, town website and through word of mouth. Candidates will be interviewed and recommended by the Town Manager with the assistance of the Veterans Services Director to the Board.

The following is a short list of projects that the Council may begin to work on over the upcoming year:

- Establishing a policy on the placement of flags on graves at Mount Pleasant Cemetery
- Establishing a policy for updating and revisions to Monument Park in the center of town
- Assisting the Cemetery Commission with the dedication of the new "undesigned" veterans lot at Mount Pleasant Cemetery
- Establishment of policy for repairs and long range capital planning for existing veterans memorials throughout the town

Please do not hesitate to contact us should you need additional information regarding this matter.



## **Town of Arlington, Massachusetts**

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### **Minutes of Meetings: February 12, 2015**

#### **ATTACHMENTS:**

Type	Description
 Reference Material	draft minutes 2/12/15



OFFICE OF THE BOARD OF SELECTMEN

STEVEN M. BYRNE, CHAIR  
JOSEPH A. CURRO, VICE CHAIR  
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TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

Meeting Minutes  
Thursday, February 12, 2015  
7:15 p.m.

Present: Mr. Byrne, Chair, Mr. Curro, Vice Chair, Mr. Greeley, Mrs. Mahon and Mr. Dunn.  
Also present: Mr. Chapdelaine, Mr. Heim and Mrs. Sullivan.

Emergency Addendum - For Approval

Temporary Suspension of Metered parking  
Adam W. Chapdelaine, Town Manager

Mrs. Mahon moved approval of temporary suspension of metered parking until further notice.

SO VOTED (5-0)

Mr. Chapdelaine thanked all of the Public Work staff for their outstanding work and the residents for their patience through the recent snow storms.

1. Vote: Authorize Sale of \$750,000 MWRA Water Bond dated February 23, 2015

Stephen J. Gilligan, Town Treasurer  
Mr. Greeley moved approval.

SO VOTED (5-0)

2. Request Endorsement of 'Unequal Justice' Program

Miriam Stein, Vision 2020 Diversity Task Group  
Mr. Curro moved approval.

SO VOTED (5-0)

CONSENT AGENDA

3. Minutes of Meetings: February 5, 2015

Mrs. Mahon moved approval.

SO VOTED (5-0)

4. Reappointment: Open Space Committee

Elizabeth Karpati (term to expire 1/31/2018)  
Mrs. Mahon moved approval.

SO VOTED (5-0)

5. Request: One Day Beer & Wine License, 2/27/15 @ Robbins Library for Books in Bloom Fundraiser

Patsy Kraemer, Arlington Garden Club  
Mrs. Mahon moved approval.

SO VOTED (5-0)

6. Request: One Day Beer & Wine License, 3/14/15 @ Robbins Memorial Town Hall Auditorium for South Sudanese Enrichment for Families Gala 2015

Ron Moulton and Kathryn Lenox  
Mrs. Mahon moved approval.

SO VOTED (5-0)

## **PUBLIC HEARINGS**

### **7. NSTAR Petition/Bailey Road and Massachusetts Avenue**

Richard M. Schifone, Right of Way Agent  
(all abutters notified)

Mrs. Mahon moved approval.

SO VOTED (5-0)

## **CITIZENS OPEN FORUM - SIGN IN PRIOR TO BEGINNING OF OPEN FORUM**

There were no matters presented for consideration of the Board.

## **TRAFFIC RULES & ORDERS / OTHER BUSINESS**

### **8. Discussion: Chestnut Street Parking Issues**

Kevin F. Greeley, Selectman  
Mr. Greeley moved no action.

SO VOTED (5-0)

## **WARRANT ARTICLE HEARINGS**

### **Article: Bylaw Amendment/Human Rights Commission**

Tabled until the February 23<sup>rd</sup> meeting.

## **NEW BUSINESS**

Mr. Chapdelaine announced there will be a Budget Revenue Task Force meeting on February 23, 2015 at 6:00 PM in the Lyons Hearing Room.

Mrs. Mahon requested that the Town Manager look at storm cost tracking in case federal funding becomes available - similar to the microburst.

Mr. Dunn reported that proposed building project models were unveiled and discussed at the recent Minuteman Vocational Technical High School meeting. Mr. Curro and Mr. Chapdelaine attended commenting that it was a lively discussion and that the Internal Minuteman Working Group will meet to review the models.

Mr. Curro requested that Elaine Shea be an agenda item for the February 23<sup>rd</sup> meeting regarding domestic violence. Mr. Curro will forward reference material to the office next week.

Mr. Byrne congratulated and welcomed two (2) new firefighters to the department: Sean O'Brien and Brian Borges.

Mrs. Mahon moved to adjourn at 7:55 PM.

SO VOTED (5-0)

## **EXECUTIVE SESSION**

Next Meeting of BoS February 23, 2015

2 / 12 / 15

Agenda Item	Documents Used
1	Town Treasurer vote and bond info
2	V2020 notice
3	2/5/15 draft minutes
4	Town Manager request, meeting notice
5	Books in Bloom One Day Application
6	South Sudanese Enrichment One Day Application
7	NStar petition
8	A.Murray/Chestnut St. request; Police recommendation



## **Town of Arlington, Massachusetts**

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### **Reappointment: Cyrus Dallin Art Museum, Board of Trustees**

#### **Summary:**

Dan Johnson (term to expire 12/31/2017)

#### **ATTACHMENTS:**

Type	Description
 Reference Material	Board of Trustees recommendation, Meeting notice

**From:** "sarahburks@juno.com" <sarahburks@juno.com>  
**To:** freidy@town.arlington.ma.us  
**Cc:** aintaberner@yahoo.com, heather.leavell@gmail.com  
**Date:** 02/11/2015 02:02 PM  
**Subject:** Cyrus Dallin Art Museum Board of Trustees

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I wanted to report that the Cyrus Dallin Art Museum Board has nominated graphic designer Chris Costello for appointment to the Board of Trustees and Dan Johnson for reappointment (his term just expired in December). We have another person who is considering joining but these are the two names that we are ready to put forward to the Board of Selectmen for consideration at this time. I'll forward Chris' resume to you. Could you please let me know when the Board of Selectmen will be available to add this to their agenda?

Thank you!  
Sarah

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# OFFICE OF THE BOARD OF SELECTMEN

STEVEN M. BYRNE, CHAIR  
JOSEPH A. CURRO, JR., VICE CHAIR  
KEVIN F. GREELEY  
DIANE M. MAHON  
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE  
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781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

February 17, 2015

Dan Johnson  
22 Grove Place #11  
Winchester, MA 01890

Re: Reappointment - Cyrus Dallin Art Museum, Board of Library Trustees

Dear Mr. Johnson:

Please be advised that the Board of Selectmen will be discussing your reappointment to the above-named at their meeting to be held on Monday, February 23rd at 7:15 p.m. in the Selectmen's Chambers, Town Hall, 2<sup>nd</sup> Floor. Although it is not a requirement that you attend the meeting, you are invited to be in attendance.

Very truly yours,  
BOARD OF SELECTMEN

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka  
Board Administrator

MAK:fr



## Town of Arlington, Massachusetts


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### Cyrus Dallin Art Museum, Board of Trustees

#### Summary:

Chris Costello (term to expire 2/28/2018)

#### ATTACHMENTS:

Type	Description
 Reference Material	Board of Trustees recommendation, Resume, Meeting notice

**From:** "sarahburks@juno.com" <sarahburks@juno.com>  
**To:** freidy@town.arlington.ma.us  
**Cc:** aintaberner@yahoo.com, heather.leavell@gmail.com  
**Date:** 02/11/2015 02:02 PM  
**Subject:** Cyrus Dallin Art Museum Board of Trustees

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I wanted to report that the Cyrus Dallin Art Museum Board has nominated graphic designer Chris Costello for appointment to the Board of Trustees and Dan Johnson for reappointment (his term just expired in December). We have another person who is considering joining but these are the two names that we are ready to put forward to the Board of Selectmen for consideration at this time. I'll forward Chris' resume to you. Could you please let me know when the Board of Selectmen will be available to add this to their agenda?

Thank you!  
Sarah

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## SUMMARY OF EXPERIENCE

Creative direction, department management and client services  
Graphic design, coin and medal design, web design, type design, illustration,  
animation, copy writing and photography direction

## SOFTWARE PROFICIENCY

InDesign, QuarkXpress, Photoshop, Illustrator, Dreamweaver, Flash, Fontographer

## PROFESSIONAL HISTORY

### **2010-Present: U.S. Department of the Treasury/United States Mint Artistic Infusion Program—Washington, DC**

AIP Artist

Create artistic designs and renderings for United States coin and medal programs.

#### DESIGN CREDITS

2014 Eleanor Roosevelt First Spouse \$10 1/2 oz Gold Coin Obverse (heads)

2014 Eleanor Roosevelt First Spouse \$10 1/2 oz Gold Coin Reverse (tails)

2014 America the Beautiful—Great Smoky Mountains National Park Quarter Reverse (tails)

2014 Native American \$1 Coin Reverse (tails)

2013 Edith Roosevelt First Spouse \$10 1/2 oz Gold Coin Reverse (tails)

2013 Girl Scouts of the USA Centennial Silver Dollar Reverse (tails)

### **1989-Present: Freelance Artist—Arlington, MA**

GRAPHIC DESIGNER, WEB SITE DESIGNER, ILLUSTRATOR and FONT DESIGNER

Create graphics and illustrations for books, magazines, CD packaging, corporate identity and web sites.

Designed *Papyrus*, *Blackstone*, *Letterpress Text*, *Mirage* and *Virus* fonts distributed worldwide.

Clients include Random House, Simon & Schuster, Harper Collins, Scholastic Press, Houghton Mifflin Company,  
Oxford University Press, IBM, Dana Farber Cancer Institute and Massachusetts Institute of Technology.

### **2008-Present: NRT Northeast Support Center—Waltham, MA**

SENIOR GRAPHIC DESIGNER

Design all corporate communications, consumer advertising and web site graphics for  
Coldwell Banker Residential Brokerage New England Metro.

### **2002-2008: Coldwell Banker Residential Brokerage—Waltham, MA**

CREATIVE DIRECTOR

Provided creative direction of all corporate and consumer communications, graphic design,  
advertising design and web site design.

Managed two designers and assisted with management of the marketing team.



## EDUCATION

**Northeastern University**—Boston, MA Class of 2003  
Bachelor of Science in Graphic Design and Visual Communication  
3.9 GPA, Dean's List 2000-02 Academic Years.

**Art Institute of Fort Lauderdale**—Fort Lauderdale, FL Attended in 1982  
Associates program in Advertising Design

## AWARDS

**2012 American InHouse Design Awards** Graphic Design USA Magazine: Two winning entries

**2011 American InHouse Design Awards** Graphic Design USA Magazine: Two winning entries

**2010 American InHouse Design Awards** Graphic Design USA Magazine: Three winning entries

**2008 American InHouse Design Awards** Graphic Design USA Magazine: One winning entry  
Featured in August 2008 Annual Issue

**2007 American InHouse Design Awards** Graphic Design USA Magazine: Five winning entries  
Featured in July 2007 Annual Issue

**2006 American InHouse Design Awards** Graphic Design USA Magazine: Five winning entries  
Featured in July 2006 Annual Issue

**2005 American InHouse Design Awards** Graphic Design USA Magazine: Two winning entries  
Featured in June 2005 Annual Issue

**2002-2003 H. Patricia Taylor Scholarship Fund** \$2000  
Northeastern University benefactor

**Sigma Epsilon Rho Honor Society Past Presidents Award** \$1500  
Northeastern University benefactor

## PUBLICATIONS

**The Logo, Font and Lettering Bible** by Leslie Cabarga.  
HOW Design Books. Logo designs featured on pages 20 and 31.

## OFFICE OF THE BOARD OF SELECTMEN

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TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

February 13, 2015

Chris Costello  
29 Lansdowne Road  
Arlington, MA 02474

Re: Appointment: Cyrus Dallin Art Museum, Board of Trustees

Dear Chris:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2<sup>nd</sup> Floor, 730 Massachusetts Avenue, on Monday, February 23rd at 7:15 p.m.

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Mary Ann or Fran at the above number.

Thank you.

Very truly yours,  
BOARD OF SELECTMEN

*Marie A. Krepelka*  
Marie A. Krepelka  
Board Administrator

MAK:fr



## Town of Arlington, Massachusetts

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### Articles for Review

#### Summary:

Article 8 Bylaw Amendment/Limiting Speaking Time for Announcements and Reports  
Article 9 Bylaw Amendment/Human Rights Commission  
Article 10 Bylaw Amendment/Description of the Mount Gilboa/Crescent Hill District  
Article 11 Bylaw Amendment/Establishment of a Community Preservation Committee  
Article 15 Home Rule/Board of Assessor Changes  
Article 16 Acceptance of Legislation/Complete Streets Program

#### ATTACHMENTS:

Type	Description
☐ Reference Material	Warrant Article Text #8,9,10,11,15,16
☐ Reference Material	Town Counsel Memo 2.20.15 re Articles# 8,9,10,11,15,16
☐ Reference Material	Town Counsel Memo 2.6.15 re Articles #8,9,15 ( included in 2.20.15 memo)
☐ Reference Material	Article 8 reference: Town Moderator comments
☐ Reference Material	Article 15: Mr. Loreti e-mail, DOR report pg. 23 and 32
☐ Reference Material	Article 15: DOR Report
☐ Reference Material	Article 16: Asst. Director of Planning
☐ Reference Material	Letter sent to 10 registered voter articles 8, 9,15

**ARTICLE 8** **BYLAW AMENDMENT/LIMITING SPEAKING TIME FOR ANNOUNCEMENTS AND REPORTS**

To see if the Town will vote to amend Title I, Article 1, Section 7C of the Town Bylaws, Regulation of Speakers, by further limiting the time a person shall speak, or otherwise hold the floor, for the purpose of presenting reports and announcements or any other remarks that do not pertain to an actionable article in the warrant; or take any action related thereto.

(Inserted at the request of Paul Schlichtman and ten registered voters)

**ARTICLE 9** **BYLAW AMENDMENT/HUMAN RIGHTS COMMISSION**

To see if the Town will vote to update Title II Article 9 - Human Rights Commission for complaints against town departments and agencies; or take any action related thereto.

(Inserted at the request of Stephen Harrington and ten registered voters)

**ARTICLE 10** **BYLAW AMENDMENT/DESCRIPTION OF THE MOUNT GILBOA/CRESCENT HILL DISTRICT**

To see if the Town will vote to amend the ByLaws, Title VII, Article 2, Section 5 – Description of the Mount Gilboa/Crescent Hill Historic District, by correcting two typographical errors in said section, namely changing 209 Lowell Street to 207 Lowell Street and changing 105 Westminster Avenue to 106 Westminster Avenue, so that said addresses, as they now appear on page 143 of the ByLaws, will read, in context, as follows:

“the property numbered 207 Lowell Street, thence turning and going northeasterly along said lot line and the rear lot lines of the properties numbered 7, 11, and 15 West Court Terrace a distance for 219.79 feet, thence continuing northeasterly along the southeasterly lot line of the property number 106 Westminster Avenue a distance of 10.0 feet to a point, thence turning and going northwesterly”; or take any action related thereto.

(Inserted at the request of the Historic District Commissions)

**ARTICLE 11** **BYLAW AMENDMENT/ESTABLISHMENT OF A COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to amend the Town Bylaws to establish a Community Preservation Committee in accordance with G.L. c. 44B §5, setting forth the membership, duties and responsibilities, administration, and requirements of such Committee consistent with c. 44B §5; or take any action related thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 15** **HOME RULE/BOARD OF ASSESSOR CHANGES**

To see if the Town will vote to implement the recommendations of the 2012 Massachusetts Department of Revenue "Town and School Finance Analysis" report to make the Director of Assessments an appointment of the Town Manager and to consider changing, or to change, the Board of Assessors from an elected to an appointed board; or take any action related thereto.

(Inserted at the request of Christopher Loreti and ten registered voters)

**ARTICLE 16****ACCEPTANCE OF LEGISLATION/COMPLETE  
STREETS PROGRAM**

To see if the Town will vote to accept appropriate provisions of Massachusetts General Law, Chapter 90 I, Section 1, as amended, the Complete Streets Program, to allow the Town to participate in, apply for, and receive funding pursuant to said section and Section 6121-1318 of the Session Laws, Chapter 79 of the Acts of 2014; or take any other action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

50 Pleasant Street  
Arlington, MA 02476  
Phone: 781.316.3150  
Fax: 781.316.3159  
E-mail: [dheim@town.arlington.ma.us](mailto:dheim@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager  
John Leone, Town Moderator  
Paul Tierney, Director of Assessments  
Christine Bongiorno, Director of Health & Human Services  
Carol Kowalski, Director of Planning  
Stephen Makowka, Chair of the Arlington Historic Districts Commission

From: Douglas W. Heim, Town Counsel

Date: February 20, 2015

Re: Annual Town Meeting Warrant Articles ## 8, 9, 10, 11, 15 and 16

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I write to provide the Board a summary of the above-referenced warrant articles to assist in the Board's consideration of these articles at its upcoming hearing on February 23, 2015. For the Board's convenience, attached to the end of this memo are copies of reference materials. Further, the summaries and information regarding Articles, 8, 9 and 10 (registered voter articles) provided herein were previously transmitted to both the Board and their respective citizen proponents on or about February 6, 2014.

## **ARTICLE 8**

### **BYLAW AMENDMENT/ LIMITING SPEAKING TIME FOR ANNOUNCEMENTS AND REPORTS**

**To see if the Town will vote to amend Title I, Article 1, Section 7C of the Town Bylaws, Regulation of Speakers, by further limiting the time a person shall speak, or otherwise hold the floor, for the purpose of presenting reports and announcements or any other remarks that do not pertain to an actionable article in the warrant; or take any action related thereto.**

**(Inserted at the request of Paul Schlichtman and ten registered voters)**

This article was inserted by citizen petition. While it was not submitted for review by Town Counsel, its intent is self-evident and I expect Mr. Schlichtman will present at hearing to both detail and advocate for this article before the Board at hearing. In sum, the bylaw changes sought by Mr. Schlichtman to Title I, Article 1, Section 7C (attached for reference) are feasible, though such changes are not necessary to limit speakers' time.

While the Town may (and does) regulate proceedings of Town Meeting via bylaws, , the Town Moderator, pursuant to G.L. c. 39 §15, presides and has the authority to regulate the proceedings of Town Meeting, including the regulation of speakers. It is my understanding that Arlington's Town Moderator intends to restrict speakers presenting reports and announcements to four (4) minutes based upon his poll of members at the 2014 Town Meeting, and as such, does not believe that further bylaw regulations are necessary.

## **ARTICLE 9**

## **BYLAW AMENDMENT/ARLINGTON HUMAN RIGHTS COMMISSION**

**To see if the Town will vote to update Title II Article 9 - Human Rights Commission for complaints against town departments and agencies; or take any action related thereto.**

**(Inserted at the request of Stephen Harrington and ten registered voters)**

This article was inserted by the citizen petition of Mr. Stephen Harrington. It is my understanding that Mr. Harrington will present at hearing to both detail and advocate for the changes he seeks to the bylaws, which could feature a number of possibilities regarding complaints filed and investigated against Town departments and agencies. As a general matter, a wide range of amendments to the current bylaw are within Town Meeting's power. However, care must be exercised to ensure that any amendments do not violate or pre-empt state law.

By way of background, the Arlington Human Rights Commission ("AHRC") was established by vote of the 1993 Town Meeting with broad duties, responsibilities and tools to accomplish its missions as set forth in Title II Article 9 (attached hereto for reference). Among its duties, the AHRC may "...receive and investigate complaints of and to initiate its own complaints and/or investigations of any violations of [its] Bylaw." Title II, Art. 9, Sec. 5(B). Such investigations and the resolution of complaints are expressly complementary to state and federal anti-discrimination agencies such as the Massachusetts Commission Against Discrimination ("MCAD") and the Equal Employment Opportunity Commission ("EEOC") and their respective authorizing statutes and regulations.

Under the bylaw as presently constituted, Town departments and agencies are instructed to cooperate with the AHRC to the extent possible in the pursuit of the goals set forth in Title II Article 9, which includes "furnish[ing] information in the possession of such department, agency



or commission where such information relates to the duties and responsibilities of the Commission.” Title II, Art. 9, Sec. 6(B). Further, the Town itself may be the subject of a complaint before the AHRC, and where necessary, the AHRC may “hold hearings, administer oaths, take the testimony of any person under oath and, in connection therewith, to require production of any evidence relating to any matter in question or under investigation before [it].” Title II, Art. 9, Sec. 5(D). Accordingly, a complaint against the Town can be issued under the current bylaw, and the AHRC may take testimony under oath and “require production of evidence” from a Town department. However, there are a number of important caveats on the AHRC’s current and potential authorities.

First, generally the AHRC lacks the authority to determine violations of substantive rights, meaning that unlike MCAD or a court of competent jurisdiction, any investigatory findings or hearing results (while significant in many respects) do not hold binding legal effect. As such, the bylaw may not be amended in any way that would intrude upon the authorities of MCAD or the courts.

Second, the AHRC’s investigatory and hearing tools, especially relative to Town departments and agencies are largely rooted in a cooperative model even where the Town is the subject of a complaint. Additional tools departing from such a model may be permissible, but should be carefully examined to ensure that they are consistent with the limitations of a local government commission in both enforceability and scope.

## **ARTICLE 10**

### **BYLAW AMENDMENT/DESCRIPTION OF THE MOUNT GILBOA/CRESCENT HILL DISTRICT**

**To see if the Town will vote to amend the ByLaws, Title VII, Article 2, Section 5 – Description of the Mount Gilboa/Crescent Hill Historic District, by correcting two typographical errors in said section, namely changing 209 Lowell Street to 207 Lowell Street and changing 105 Westminster Avenue to 106 Westminster Avenue, so that said addresses, as they now appear on page 143 of the ByLaws, will read, in context, as follows:**

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**(Inserted at the request of the Historic District Commission)**

This article presents a straightforward correction to the present bylaw governing the Arlington Historic District Commission (“AHDC”), which was revealed by a GIS mapping review conducted by AHDC. The subject is purely administrative and the article itself presents the majority of the motion that would be presented at Town Meeting.

## **ARTICLE 11**

### **BYLAW AMENDMENT/ESTABLISHMENT OF A COMMUNITY PRESERVATION COMMITTEE**

**To see if the Town will vote to amend the Town Bylaws to establish a Community Preservation Committee in accordance with G.L. c. 44B §5, setting forth the membership, duties and responsibilities, administration, and requirements of such Committee consistent with c. 44B §5; or take any action related thereto.**

**(Inserted by the Board of Selectmen)**

The Town voted via ballot question on November 4, 2014 to adopt G.L. c. 44B §§3-7 (also known as the Community Preservation Act (“CPA”), a copy of which is included as reference material for your convenience). As such, the Town will begin collecting a 1.5 percent surcharge on the real property tax assessed subject certain exemptions in Fiscal Year 2016. The

funds generated by the surcharge (as well as the Commonwealth's matching funds) may be used to pay for open space, historic preservation, affordable housing, and outdoor recreation projects subject to certain conditions and limitations. However, §5 of the CPA (already adopted) requires that a Community Preservation Committee ("CPC") be established by Town Bylaw to administer the Town's Community Preservation Fund before any CPA projects may be funded. Accordingly, the instant article proposes an amendment to the bylaws to establish a CPC.<sup>1</sup>

Before addressing a potential motion language, it is important to highlight the CPC's duties and responsibilities as well as Chapter 44B's CPC membership requirements and options.

### CPC Responsibilities

Under §§5(b) and 5(c), c. 44B charges each CPC with the following:

- **Developing Community Preservation Plan:** A CPC must first study the relevant community preservation needs and resources of Arlington by among other things, meeting and consulting with other municipal bodies (some of which are explicitly enumerated in the statute) and holding an annual public hearing to gather appropriate information. The CPC must then use the information gathered to develop a plan that will serve as a guide in selecting and promoting future CPA project proposals.
- **Recommending CPA Projects to Town Meeting:** Once the aforementioned plan is complete, the primary function of the CPC is to examine and accept proposals for CPA projects to present the best projects to Town Meeting for approval, including the funding amounts for each such project. A town bylaw may provide further structure to this process so long as the CPC remains an independent Town body.
- **Maintaining Records and Reporting on the CPA Budget:** Finally, the CPC is charged with administrative record keeping and budgeting in furtherance of its other above-listed duties.

### CPC Membership Requirements & Options

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<sup>1</sup> While a CPC bylaw may be created simultaneous to Town Meeting's consideration of placing the CPA on a Town Ballot, the more common practice is to wait until a community has adopted the CPA for a variety of practical concerns as Arlington has done here.

The CPC must consist of at least five (5), but no more than nine (9) members as follows:

- Five (5) members must come the following (one each): Conservation Commission; Planning Board; Historical Commission; Housing Authority; and Board of Park Commissioners;<sup>2</sup> and
- Up to four (4) “at large” members may be appointed or elected by various Town entities; and

Based on the foregoing requirements and responsibilities, as well as a comprehensive review of other CPA communities’ CPC bylaws, Arlington’s present municipal structure and likely needs, the following presents a suggested motion for Town Meeting:

*VOTED:*

*That the Town hereby amends Title II of the Town By-laws to insert an “Article 11” as follows:*

*Article 11: Community Preservation Committee*

*Section 1. Establishment and Membership*

- a. There is hereby established a Community Preservation Committee consisting of at total of nine (9) members pursuant to G.L. c. 44B § 5. The membership shall be composed of one member of the Conservation Commission as designated by such Commission, one member of the Historical Commission as designated by such Commission, one member of the Arlington Redevelopment Board (which serves as the Town’s Planning Board) as designated by such Board, one member of the Park and Recreation Commission as designated by such Commission, one member of the Arlington Housing Authority as designated by such authority, and four (4) at-large members appointed by the Town Manager subject to approval by the Board of Selectmen.*
- b. At-large members shall be appointed to the following initial terms: One (1) for a one-year term, two (2) for two-year terms, and one (1) for a three-year term. All subsequent terms shall be for three years. All other members shall serve a term determined by their designating bodies not to exceed three years. All members, at-large and otherwise, are eligible for reappointment. Should any appointing or*

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<sup>2</sup> In Arlington’s circumstance: the Conservation Commission, the Arlington Redevelopment Board, the Historical Commission, the Housing Authority, and the Park & Recreation Commission.

*designating authority fail to appoint a successor to a CPC member whose term is expiring, such member may continue to serve until the relevant authority names a successor*

- c. A vacancy of the Committee shall be filled by the relevant appointing or designating authority.*

## *Section 2. Duties and Responsibilities*

*The Community Preservation Committee shall have all the duties and powers as set forth in G.L. c. 44 §5, including, but not limited to the following:*

- a. The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Board of Selectmen, Conservation Commission, the Historical Commission, the Redevelopment Board, the Park and Recreation Commission, the Housing Authority, the Finance Committee, and the Capital Planning Committee. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a newspaper of general circulation in the Town.*
- b. The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation, and support of community housing; and for rehabilitation or restoration of such open space and community housing that is acquired or created with CPA funds. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to Town Meeting shall include their anticipated costs.*
- c. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.*
- d. Prior to making its final recommendations to Town Meeting for approval, the Committee shall present draft recommendations to the Board of Selectmen, the Finance Committee, and the Capital Planning Committee for comment. Further a*

*designated member of the Board of Selectmen, Finance Committee, and Capital Planning Committee shall be permitted, but not required, to serve as a liaison to the Committee.*

### *Section 3. Administration and Operation*

- a. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum.*
- b. The Community Preservation Committee shall approve its actions by majority vote of the quorum.*
- c. Each fiscal year, the Committee shall recommend to Town Meeting an operational and administrative budget. The timing of such budget recommendation shall be coordinated with the Town Manager's annual operating budget submission to the Board of Selectmen.*

### *Section 4. Amendments*

*The Community Preservation Committee shall, from time to time, review the administration of this by-law, making recommendations, as needed, for changes in the by-law and in administrative practice to improve its operations.*

### *Section 5. Construction and Severability*

*At all times this by-law shall be interpreted in a manner consistent with G.L. c. 44B, the Community Preservation Act. Should any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.*

### *Section 6. Effective Date*

*Following Town Meeting approval of this by-law, this Title shall take effect immediately upon the approval by the Attorney General of the Commonwealth. Each appointing authority shall have forty-five (45) days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Town Manager shall make the appointment from the membership of such appointing authority.*

## ARTICLE 15

## HOME RULE/BOARD OF ASSESSORS CHANGES

**To see if the Town will vote to implement the recommendations of the 2012 Massachusetts Department of Revenue "Town and School Finance Analysis" report to make the Director of Assessments an appointment of the Town Manager and to consider changing, or to change, the Board of Assessors from an elected to an appointed board; or take any action related thereto.**

**(Inserted at the request of Christopher Loreti and ten registered voters)**

This article was inserted by the citizen petition of Mr. Christopher Loreti. Mr. Loreti has provided background materials in the form of the Department of Revenue's 2012 recommendations referenced in his article itself. In short, Mr. Loreti's seeks to amend the Town Manager Act to convert the Board of Assessors from elected to appointed offices, and to have the Director of Assessments changed to become an appointment of the Town Manager. Such changes may be achieved by appropriate Home Rule legislation approved by the Legislature and a successful subsequent ballot question.<sup>3</sup>

As members of the Board may recall, 2011 Town Meeting voted to request the Town Manager research a consolidated Town-School Finance Department and report recommendations to the 2012 Annual Town Meeting. To develop such recommendations, the Manager, this Board, and the School Committee requested the Department of Revenue ("DOR") and the Department of Elementary and Secondary Education analyze Town and School Department financial operations, report on their findings, and provide recommendations.

The resulting 2012 DOR report provided fifteen (15) recommendations, many of which are oriented towards the centralization of town and school financial management duties and

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<sup>3</sup> An amendment to the Town Manager Act converting an elected office to an appointed office will certainly require a ballot question. An amendment to the Act making the Director of Assessments a Town Manager appointee may not strictly require a ballot question, but as a practical matter I believe that a single piece of Home Rule legislation with a ballot question would both be more efficient and better received by the State Legislature.

responsibilities under the Town Manager through the creation of a consolidated Municipal Finance Department. Among the comprehensive changes to achieve such centralization were the conversion of several elected offices to appointed offices, specifically the Board of Assessors and the Town Treasurer. Similarly, DOR recommended re-orienting the Director of Assessments to be appointed by the Town Manager rather than the Board of Assessors.

Based in part upon the DOR's recommendations, the creation of a Municipal Finance Department was contemplated by the 2012 Annual Town Meeting Warrant under Article 32, but this Board and the Town Manager agreed that further analysis with appropriate stakeholders was necessary before submitting a specific proposal. Subsequently, Article 22 on the 2013 Annual Town Meeting Warrant requested Home Rule legislation to comprehensively create a coordinated Municipal Finance Department. However, this Board moved for no favorable action at such time.

Mr. Loreti's article seeks to effectuate two of the recommendations of the 2012 DOR report, but should still follow the same Home Rule process as the more comprehensive municipal finance reorganization considered in 2013. As a final matter, it should be noted that the DOR's recommendations highlighted a number of variations on how a Director of Assessments both appointed and supervised, which the Board may find in the 2012 DOR analysis.



## ARTICLE 16

## ACCEPTANCE OF LEGISLATION/COMPLETE STREETS PROGRAM

**To see if the Town will vote to accept appropriate provisions of Massachusetts General Law, Chapter 90 I, Section 1, as amended, the Complete Streets Program, to allow the Town to participate in, apply for, and receive funding pursuant to said section and Section 6121-1318 of the Session Laws, Chapter 79 of the Acts of 2014; or take any other action related thereto.**

**(Inserted by the Board of Selectmen and  
at the request of the Town Manager)**

As the Board will recall from the presentation at the February 5, 2014 Selectmen's Meeting, this article was requested by the Town Manager and the Planning Department. Acceptance of Chapter 90 I is the first step in committing Arlington to a comprehensive public street design paradigm, which also renders the Town eligible for a share of over \$50,000,000 in street improvement funds over the next five (5) years. While the Commonwealth is still developing the regulations and program guidelines that will provide further structure and details of the Complete Streets funding process, acceptance of Chapter 90 I is a prerequisite for eligibility. It should be noted that the Town must also adopt its own Complete Streets policy by either bylaw or as a Board of Selectmen administrative policy following acceptance of the Legislation, but at this juncture, the statute affords significant flexibility to municipalities in their development of same. Should this Board support the acceptance of Chapter 90 I, a motion would be straightforward as follows:

*VOTED:*

*That Section 1 of Chapter 90 I of the General Laws, as added by Chapter 79 Sec. 7 of the Acts of 2014 (Complete Streets Program), Section 34, be and is hereby is accepted.*

**REFERENCE MATERIAL: RELEVANT TOWN BYLAWS**

**Warrant Article #8**

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**From the Town Bylaws:**

**TITLE I, ARTICLE 1**

**TOWN MEETINGS**

**Section 7. Regulation of Speakers**

**A. Right to Address Meeting**

The following officers shall have the same power to address the Town Meeting as an elected Town Meeting Member, but they shall not have a vote in the Town Meeting: the Town Moderator, the Town Clerk, the Town Treasurer, the Town Manager, the Superintendent of Schools, the Chairmen of the Board of Selectmen, the Assessors of Taxes, the School Committee, the Redevelopment Board, the Finance Committee, the Personnel Board, and the chairmen of all other Boards, Commissions and Committees established under the bylaws or by a vote of the Town Meeting. In the absence of the chairman of any of the foregoing, the Vice-Chairman shall have the rights of the Chairman.

ART. 12 ATM 4/27/92

**B. Manner of Speaking**

ART. 13 ATM 4/29/92; ART. 28 ATM 5/6/02

Every person desiring to speak shall arise, address the chair and on obtaining recognition, shall stand, while speaking, unless the Moderator otherwise directs. A Town Meeting Member who speaks upon any matter in which the speaker or his or her immediate family has a direct financial interest shall first disclose such interest to the meeting. The words Adirect financial interest shall include, but not be limited to, employment as attorney or consultant with respect to the matter.

**C. Time Limits**

(ART. 18, ATM – 04/29/92) (ART. 11, ATM –04/26/99)(ART. 20, ATM – 4/30/12)

No person shall speak, or otherwise hold the floor, for the first time on any subject for more than seven minutes, unless, prior to beginning his or her presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting.

No person shall speak, or otherwise hold the floor, for a second time on any subject for more than five minutes.

No person shall speak, or otherwise hold the floor, more than twice on any subject except to correct an error, without first obtaining permission of the meeting by obtaining a majority vote of the Town Meeting Members present and voting. After obtaining said permission, the person shall not speak, or otherwise hold the floor, for more than five minutes.

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## **Warrant Article #9**

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### **From the Town Bylaws:**

#### **TITLE II, ARTICLE 9**

#### **HUMAN RIGHTS COMMISSION (ART. 22, ATM – 05/12/93)**

##### **Section 1. Preamble**

The Town of Arlington has formed Vision 2020 as a long-range planning vehicle; and Vision 2020 has established the Diversity Task Group; and The goal statement of the Diversity Task Group provides that:

"We value the diversity of our population. Our Town's mix of ethnic, religious and cultural backgrounds, as well as economic and personal circumstances, enriches us all. We will be known for the warm welcome and respect we extend to all;" and

One of the Diversity Task Group's recommendations is the formation of a Human Rights Commission; and

The Vision 2020 Standing Committee, the Fair Housing Advisory Committee, the Affirmative Action Advisory Committee, and others support the creation of such a Commission to foster the policies described in Section 2 below;

**The Town of Arlington does hereby create a Human Rights Commission as provided for in this Bylaw.**

**Section 2. Policy of the Town of Arlington**

- A.** It is the intention of the Town of Arlington ("Town") to establish a Commission to advance issues related to the fair and equal treatment of individuals, and to create a mechanism for addressing complaints arising out of these issues.
- B.** It is the policy of the Town to protect every individual in the enjoyment and exercise of his/her human and civil rights and to encourage and bring about mutual understanding and respect among all people within the Town.
- C.** It is the intention of this Bylaw that all persons be treated fairly and equally. The purpose of this Bylaw is to bring about the elimination of prejudice, intolerance, bigotry, unlawful discrimination, threats, coercion or intimidation based upon an individual's race, color, religious views, national origin, gender, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status, and the disorder occasioned thereby. Nothing in this Bylaw shall be construed as supporting or advocating any particular religious or political view or lifestyle.
- D.** It shall be considered an unlawful practice under this Bylaw for any person to deny, interfere with, threaten or subject an individual to coercion or intimidation concerning equal access to and/or discrimination in employment, housing, education, recreation, services, public accommodation and public area where such denial, interference, threats, coercion, intimidation or unlawful discrimination against a person is based upon race, color, religious views, national origin, gender, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.

**Section 3. Establishment of a Human Rights Commission**

- A. Scope** There is hereby established a Town board to be known as the Arlington Human Rights Commission ("Commission") which shall implement the policy of this Bylaw by:
  - 1.** Improving the life of the Town by enlisting community-based groups in educational programs and campaigns to increase mutual respect, harmonious intergroup relations and the peaceful enjoyment of life in our community;

2. Working with Town Government, the School Department, Town Commissions and Boards to increase diversity, as well as awareness and sensitivity to human and civil rights issues;
3. Responding to complaints by persons in the Town who believe that their human or civil rights, as defined in this Bylaw or in state or federal law, have been violated in the Town;
4. Initiating investigations into circumstances which appear to the Commission to be the result of unlawful discrimination against any person(s) in the Town.

**B. Appointment & Terms of Office of Commission Members**  
*(ART. 23, ATM – 05/01/96)*

1. The Commission shall consist of thirteen (13) members, five of whom will be appointed by the school committee, four by the Town Manager subject to the approval of the Board of Selectmen and four by the Town Moderator. The term of office shall be for three years except two of the initial appointments of the school committee shall be for a term of one year, one of the initial appointments of the Manager and Moderator respectively shall be for one year, two of the initial appointments of the School Committee shall be for two years, one of the appointments of the Manager and Moderator respectively shall be for two years.

The members shall be sworn to the faithful performance of their duties, and shall serve until their successors are appointed and sworn. There shall be an Executive Director appointed by the Town Manager.

2. The Commission shall include among its membership individuals publicly solicited and representative of the diversity of the Town.
3. If a member shall fail to attend three or more consecutive meetings of the commission, the commission by vote, may so advise the appropriate appointing authority, who may remove such member, and appoint a successor for the unexpired term of the member so removed.

**C. Residency Requirement** All members of the Commission shall be residents of the Town at the time of their appointment and throughout their tenure.

**D. Executive Director** Before appointing an Executive Director, the Town Manager shall obtain the approval of the Board of Selectmen and consider the recommendation of the Commission. The Executive Director shall be an employee of the Town and report to the Town Manager. The prospective

Executive Director shall have demonstrable experience in human and civil rights, as well as proven ability to work cooperatively in a diverse community.

Subject to the direction of the Commission, the Executive Director shall be responsible for the overall administration of the Commission's activities and shall serve as its executive officer. The Executive Director shall have the power and duty to initiate activities designed to educate and inform the Town about the effects of prejudice, intolerance, and bigotry; to receive and/or initiate complaints and investigations of discriminatory practices as defined by local, state, and federal law; to report his/her findings to the Commission; and to attempt mediation of any complaint alleging discrimination under applicable local, state, and federal law when there is cause for such complaint.

**E. Officers, Quorum, and Adoption of Rules and Regulations**

1. The Commission shall elect a Chairperson from among its members at the first meeting each year. The Commission shall endeavor to rotate the election of a Chairperson each year thereafter. The Chairperson shall preside over the meetings of the Commission.
2. Seven (7) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by a majority vote of the Commission members present and voting.
3. The Commission shall adopt rules and regulations consistent with this Bylaw and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Bylaw and the powers and duties of the Commission in connection therewith. The rules shall ensure the due process rights of all persons involved in investigations and hearings.
4. Members of the Commission shall serve without compensation.
5. Members of the Commission may be removed by the appointing authority for just cause.

**Section 4. Definitions**

- A. The terms referencing the basis for discrimination as cited in Section 2 of this Article are as defined below or in applicable state and federal law, including but not limited to G.L. c.12 Sections 11H and 11I, c.93 Section 102, c.151b, the Civil Rights Act of 1964, as amended (42 USC Section 2000d et seq), the Age Discrimination in Employment Act of 1967, as amended (29 USC Section 621 et seq), the Americans with Disabilities Act (42 USC Section 1210 et seq), the Rehabilitation Act of 1974, as amended (29 USC Section 794), the Civil Rights Act of 1991 (PL 102-166), and the Equal Credit Opportunity Act (15 USC 1601 et seq).

- B.** The term "person" includes, but is not limited to, one or more individuals, partnerships, associations, agencies, corporations, legal representatives, trustee, trustees in bankruptcy and receivers, the Town of Arlington, federal or state political subdivisions, boards, committees and commissions, or employees thereof.
- C.** The term "religious views" shall encompass a belief in a specific set of religious beliefs, as well as a disbelief or skepticism about any or all religious beliefs.
- D.** The term "family status" refers to the actual or supposed condition of having or not having children.
- E.** The term "marital status" refers to the actual or supposed state of being or having been unmarried, married, separated, divorced or widowed.
- F.** The term "source of income" refers to the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents excluding the use of criminal activities as a means of support.
- G.** The term "military status" refers to the actual or supposed condition being, not being, having been or not having been in the service of the military.

## **Section 5. Functions, Powers & Duties of the Commission**

The function of the Commission shall be to implement the policy of this Bylaw by the exercise of the following powers and duties:

- A.** To initiate activities designed to educate and inform the Town about the effects of prejudice, intolerance, and bigotry through the following actions:
  - 1.** To hold public hearings and public forums, make studies and surveys and to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious views, national origin, gender, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.
  - 2.** Develop and/or recommend courses of instruction for presentation in public and private schools, public libraries and other suitable places, devoted to eliminating prejudice, intolerance, bigotry and discrimination and showing the need for mutual respect and the achievement of harmonious relations among various groups in the Town.

3. Create such subcommittees from the members of the Commission as, in the Commission's judgment, will best aid in effectuating the policy of this Bylaw.
4. Enter into cooperative working agreements with federal, state and town agencies, and enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations and other groups in order to effectuate the policy of this Bylaw.

Monitor, publicize and, where necessary, act to increase the diversity on appointed Town boards and committees.

5. Render each year to the Board of Selectmen, Town Manager, School Committee and Superintendent of Schools a full written report of all the Commission's activities and recommendations regarding this Bylaw for inclusion the Town Report.
- B. To receive and investigate complaints of and to initiate its own complaints and/or investigations of any violations of this Bylaw.
  - C. To attempt by mediation to resolve any complaint over which it has jurisdiction and to recommend to the Town Manager, the Board of Selectmen, the Superintendent of Schools or the School Committee, as appropriate, such action as it feels will resolve any such complaint.
  - D. In the case of any unresolved complaint or in the case of any investigation which would be aided thereby, to hold hearings, administer oaths, take the testimony of any person under oath and, in connection therewith, to require production of any evidence relating to any matter in question or under investigation before the Commission.

## **Section 6. Relations with Town Agencies**

- A. The Commission, School Department, Community Safety Department and all other Town departments, agencies, boards and commissions shall work cooperatively to effectuate the policy of this Bylaw.
- B. So far as practicable and subject to the approval of the Town Manager, or, in the case of the School Department, the Superintendent of Schools, the services of all other Town departments, agencies, boards and commissions shall be made available to the Commission for effectuating the policy of this Bylaw.

The head of any department, agency or other commission shall furnish information in the possession of such department, agency or commission where such information relates to the duties and responsibilities of the Commission.



- C. The Town Counsel shall provide for representation of the Commission upon the Commission's request.
- D. Any contract entered into by the Town or the School Department or any of their agencies, departments or subdivisions shall contain a covenant by the contractor and each subcontractor not to violate this Bylaw. Breach of this Bylaw shall be regarded as a material breach of such contract.

## **Section 7. Complaint Resolution Procedures**

- A. Any person or class of persons claiming to be aggrieved by an alleged violation of this Bylaw shall make, sign and file with the Commission a verified complaint in writing which shall state the particulars and other such information as may be required by the Commission, including, if known, the name and address of the person alleged to have committed such violation. The Commission may also, on its own, issue a complaint whenever it has reason to believe that any person has engaged in a practice that violates this Bylaw.
- B. No complaint shall be considered unless it is filed within four months after the occurrence of the practice alleged to violate this Bylaw, or unless it has been referred to the Commission by the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission after having been filed in a timely manner with either or both agencies.
- C. The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum.

Nor shall filing or failing to file a complaint with other federal, state or town agencies or courts bar the complainant from seeking relief through the Commission.
- D. After the filing of any complaint, the Chairperson of the Commission shall designate the Executive Director or one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.
- E. After such investigation, the Executive Director or the designated Commissioner(s), as the case may be, shall promptly file a report of such findings with the Commission, which shall determine whether or not to dismiss the complaint. The Commission shall, within ten working days from such determination, notify the complainant in writing of such determination.
  - 1. If such Commissioner(s) determine(s) after such investigations that cause does exist to support the allegations of the complaint or if the Commission so determines, notwithstanding a negative report from such

Commissioner(s), the Commission shall forthwith endeavor by mediation to eliminate the practice that violates this Bylaw.

The Commission and its staff shall not disclose the terms of mediation when the complaint has been disposed of in this manner pursuant to G.L. c.233 Section 23C unless both parties agree to the disclosure. The Commission may issue orders consistent with its findings during the mediation process.

2. In the case of such a finding under Section VII.E.1., as part of the mediation process the Commission may issue an informal admonition to the respondent. Such a finding shall not be published or made public, pursuant to G.L. c.233 Section 23C.
3. Alternatively, in the case of such a finding of a more serious nature under Section VII.e.1., the Commission may issue a private reprimand to the respondent. A party receiving a private reprimand shall not be eligible for a similar disposition for two (2) years. Such finding shall not be published or made public pursuant to G.L. c.233 Section 23C.

- F. The respondent shall have the right to appeal any action of this Commission to a court of competent jurisdiction, as provided by law.

## **Section 8. Contributions to the Commission**

The Commission may accept contributions, grants and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the policy of this Bylaw.

## **Section 9. Construction of Bylaw**

The provisions of this Bylaw shall be construed liberally for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by federal or state law.

## **Section 10. Effect of State and Federal Law**

- A. Nothing in this Bylaw shall be deemed to exempt or relieve any person from any liability, duty, penalty or punishment provided by any present or future law of the Commonwealth of Massachusetts or the United States of America.
- B. Any remedies provided by this Bylaw shall be cumulative with any other remedies provided by local, state or federal law.

## **Section 11. Severability**

Should any section, provision, paragraph, sentence or word of this Bylaw be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this Bylaw as a whole, or any part thereof, which shall remain in full force and effect, other than the portion so declared to be invalid.

## **Warrant Article #10**

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### **From the Town Bylaws:**

#### **TITLE VII, ARTICLE 2, SECTION 5**

#### **HISTORIC DISTRICTS: DESCRIPTIONS OF DISTRICTS (ATM – 04/29/91)**

### **Section 5. Description of the Mount Gilboa/Crescent Hill Historic District**

The Mount Gilboa/Crescent Hill Historic District is bounded and described as follows:

Beginning at a point on the Arlington - Lexington Town line at the intersection of the lot line between the properties numbered 195 and 197 Westminster Avenue, thence going northeasterly along said lot line and the lot line between the properties numbered 110 and 118 Crescent Hill Avenue, thence across Crescent Hill Avenue and along the lot line between the properties numbered 109 and 117 Crescent Hill Avenue a total distance of 480± feet to the northerly lot corner of the property numbered 109 Crescent Hill Avenue, thence turning southeasterly along the rear property line of said property a distance of 100.0 feet to the easterly lot corner of said property thence turning northeasterly and going along the property line numbered 105 Crescent Hill Avenue a distance of 50.0 feet to the northerly lot corner of said property, thence turning southeasterly along the rear lot line of said property a distance of 100.0 feet to the easterly lot corner of said property, thence turning and going southwesterly on side line of said property a distance of 60.0 feet to the northerly lot corner of the property numbered 93 Crescent Hill Avenue, thence going southeasterly along the rear lot line of said property and to the centerline of Montague Street, a distance of 120.0 feet, thence turning and going southwesterly along the center line of Montague Street a distance of 50.0 feet to a point, thence turning and going southeasterly across Montague Street and along the rear lot line of the property numbered 79 Crescent Hill Avenue a distance of 120.0 feet to the easterly lot corner of said property, thence turning and going northeasterly along the property line numbered 69 Crescent Hill Avenue a distance of 60 feet to the northerly lot corner of said property, thence turning and going southeasterly along the rear property lines of said property and 61 Crescent Hill Avenue a

distance of 200.0 feet to the easterly lot corner of the property numbered 61 Crescent Hill Avenue, thence turning and going southwesterly along said lot line a distance of 80.0 feet to the northerly lot corner of the property numbered 57 Crescent Hill Avenue, thence turning and going southeasterly and southerly on two courses, distances of 42.0 feet and 67.47 feet to the side line of Westmoreland Avenue, thence going southeasterly across Westmoreland Avenue a distance of 20.0 feet to the center line of said street, thence turning and going northeasterly along the centerline of Westmoreland Avenue, a distance of 64.47 feet to a point, thence turning southeasterly and going across Westmoreland Avenue and along the rear lot line of the property numbered 41 Crescent Hill Avenue a distance of 70.0 feet to the easterly lot corner of said property, thence going southwesterly along sideline of said property and across Crescent Hill Avenue a distance of 120.0 feet to the centerline of Crescent Hill Avenue, thence turning and going southeasterly along the centerline of Crescent Hill Avenue a distance of 50.0 feet to a point, thence going southwesterly across Crescent Hill Avenue and along the rear property line of the properties numbered, 53, 49 and 45 Westmoreland Avenue a distance of 170.0 feet to the northerly lot corner of the property numbered 115 Westminster Avenue, thence turning and going southeasterly along the rear lot lines of the properties numbered 115, 109 and 103 Westminster Avenue a distance of 240.0 feet to the easterly lot corner of the property numbered 103 Westminster Avenue, thence going southwesterly along sideline of said property a distance of 40.0 feet to the northerly lot corner of the property numbered 99 Westminster Avenue, thence going southeasterly along the rear line of said property and of the property numbered 97 Westminster Avenue a distance of 97.2 feet to the northwesterly sideline of Park Place, thence southeasterly across Park Place a distance of 17 feet more or less to the southeasterly sideline of Park Place, thence turning and going easterly and northeasterly in two courses along said sideline and across Madison Avenue, distances of 160 feet more or less, and 410 feet more or less to the northeasterly sideline of Madison Avenue, thence turning and going northwesterly 60.0 feet along the northeasterly sideline of Madison Avenue, thence turning and going northeasterly along a lot line of conservation land a distance of 300.0 feet to the southwesterly sideline of Orient Avenue, thence turning and going southwesterly along said sideline of Orient Avenue, a distance of 242.0 feet to the northwesterly sideline of Summit Street, thence continuing southwesterly across Summit Street a distance of 57 feet more or less to the southeasterly sideline of Summit Street thence turning and going southwesterly and southerly on the southeasterly sideline of Summit Street on a curve to the left with a radius of 649.25 feet a distance of 360 feet more or less to the centerline of Alpine Street, thence turning and going southwesterly across Alpine Street, a distance of 60 feet more or less to a point on the northwesterly sideline of Alpine Street, thence continuing southwesterly along a lot line of conservation land a distance of 340 feet more or less to a point, thence continuing southwesterly along the rear lot lines of the properties numbered 14 and 8-10 Park Avenue Extension a distance of 53 feet more or less to a point at the intersection of the southwesterly lot line of the property numbered 8-10 Park Avenue Extension, thence turning and going southeasterly along said sideline and to the centerline of Park Avenue Extension distances of 245.75 feet and 20 feet, thence going southerly along the centerline of Park Avenue Extension a distance of 190 feet more or less to the intersection of the centerline of Lowell Street, thence turning and going westerly along the centerline of Lowell Street a distance of 365 feet more or less to a point opposite the easterly lot line of the property numbered 131 Lowell Street, thence turning and going northerly across Lowell Street and along the easterly lot line of said property, distances of 25.0 feet and 60.87 feet to the northeasterly lot corner of said lot, thence going northwesterly

along the rear lot lines of the properties numbered 131, 133, 135 and 137 Lowell Street a distance of 151.80 feet to the southerly lot line of the property numbered 42-44 Westminster Avenue, thence turning and going southwesterly along said lot line and the southerly lot line of the property numbered 147 Lowell Street a distance of 108.33 feet to the northeasterly sideline of Lowell Street, thence going northwesterly along the northeasterly sideline of Lowell Street a distance of 263.5 feet to a point at the intersection of the southeasterly sideline of the property numbered 159 Lowell Street, thence turning and going northeasterly along said sideline a distance of 90.0 feet to the northeasterly lot corner of said property, thence turning and going northwesterly along the rear lot lines of the properties numbered 159, 163 and 167 Lowell Street distances of 45.25, 34.75 and 45.0 feet to the northerly lot corner of the property numbered 167 Lowell Street, thence going northeasterly along the lot line of the property numbered 169 and 171 Lowell Street a distance of 10.0 feet to the easterly lot corner of said property, thence turning and going northwesterly along said rear lot line a distance of 60.0 feet to the northerly lot corner of said property, thence turning and going southwesterly along said lot line a distance of 102.0 feet to the northeasterly sideline of Lowell Street, thence turning and going northwesterly along the northeasterly sideline of Lowell Street, a distance of 467 feet more or less to the intersection of the southeasterly lot line of the property numbered 209 Lowell Street, thence turning and going northeasterly along said lot line and the rear lot lines of the properties numbered 7, 11 and 15 West Court Terrace a distance of 219.79 feet, thence continuing northeasterly along the southeasterly lot line of the property numbered 105 Westminster Avenue a distance of 10.0 feet to a point, thence turning and going northwesterly through said property and the property numbered 110 Westminster Avenue and continuing along the rear lot lines of the properties numbered 114 and 118 Westminster Avenue a distance of 200 feet more or less to the rear lot corner of the property numbered 16 West Court Terrace, thence turning and going southwesterly along the rear lot line of the properties numbered 16 and 12 West Court Terrace a distance of 100 feet more or less to the northeasterly lot corner of the property numbered 221 Lowell Street, thence turning and going northwesterly along the rear lot line of said property a distance of 51.0 feet to the northwesterly lot corner of said property, thence turning and going southwesterly along said sideline a distance of 84.9 feet to the northeasterly sideline of Lowell Street, thence turning and going northwesterly along the northeasterly sideline of Lowell Street a distance of 193.78 feet to the rear lot line of the property numbered 4 Westmoreland Avenue, thence turning and going northeasterly along the rear property lines of said property and Lot B a distance of 103.48 feet to the northeasterly lot corner of the property known as lot Pt. 9 and Pt. 10 on Lowell Street, thence turning and going northwesterly along the rear line of said property a distance of 50.0 feet to the northwesterly lot corner of said lot, thence turning and going northeasterly and the southeasterly lot line of the property numbered 243 Lowell Street a distance of 18.47 feet to the northeasterly lot corner of said property, thence turning and going along the rear lot lines of the properties numbered 243 and 251 Lowell Street in three courses distances of 100.0 feet northwesterly, 5.0 feet southwesterly and 50.0 feet northwesterly to the southeasterly lot line of the property numbered 255 Lowell Street, thence turning and going northeasterly along said lot line a distance of 10.0 feet to the northeasterly lot corner of said property, thence turning and going northwesterly along the rear lot lines of the properties numbered 255, 257 and 261 Lowell Street a distance of 200.0 feet to the northwesterly lot corner of 261 Lowell Street, thence turning and going southwesterly along the northwesterly lot line of said lot a distance of 15.8 feet to the northeasterly lot corner of 265 Lowell Street, thence turning and going northwesterly along the rear lot lines of the properties numbered 265 and 269 Lowell

Street a distance of 100.30 feet to the northwesterly lot corner of the property numbered 269 Lowell Street, thence turning and going northeasterly on the southeasterly lot line of a property numbered 271 Lowell Street a distance of 11.0 feet to the rear corner of said property, thence turning and going northwesterly along the rear lot line of said property a distance of 53 feet more or less to the Lexington - Arlington Town Line, thence turning and going northeasterly along the Lexington - Arlington Town Line through the property number 194 Westminster Avenue and lot Pt. 15 and across Westminster Avenue a distance of 182 feet more or less to the point of beginning.

All the forgoing measurements being more or less; and shown on a plan entitled "Mount Gilboa/Crescent Hill Historic District, Arlington, Massachusetts", by C.F. Rinciari, Town Engineer, dated November, 1990.

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## **Warrant Article #11**

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**From Massachusetts General Laws:**

### **COMMUNITY PRESERVATION ACT**

**M.G.L. c. 44B §§ 1-7**

***As amended by St. 2012, c. 139, §§ 69-83***

#### **Section 1.**

This chapter shall be known and may be cited as the Massachusetts Community Preservation Act.

#### **Section 2.**

As used in this chapter, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:—

“Acquire”, obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. “Acquire” shall not include a taking by eminent domain, except as provided in this chapter.

“Annual income”, a family’s or person’s gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

“Capital improvement”, reconstruction or alteration of real property that:

- (1) materially adds to the value of the real property, or appreciably prolongs the useful life of the real property;
- (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; and
- (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.

“Community housing”, low and moderate income housing for individuals and families, including low or moderate income senior housing.

“Community preservation”, the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic resources and the creation and preservation of community housing.

“Community preservation committee”, the committee established by the legislative body of a city or town to make recommendations for community preservation, as provided in section 5.

“Community Preservation Fund”, the municipal fund established under section 7.

“CP”, community preservation.

“Historic resources”, a building, structure, vessel real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic

preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

“Legislative body”, the agency of municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.

“Low income housing”, housing for those persons and families whose annual income is less than 80 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

“Low or moderate income senior housing”, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

“Maintenance”, incidental repairs which neither materially add to the value of the property nor appreciably prolong the property’s life, but keep the property in a condition of fitness, efficiency or readiness.

“Moderate income housing”, housing for those persons and families whose annual income is less than 100 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

“Open space”, shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

“Preservation”, protection of personal or real property from injury, harm or destruction.

“Real property”, land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

“Real property interest”, a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the



interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

"Recreational use", active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. "Recreational use" shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

"Rehabilitation", capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses, including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes; provided, that with respect to historic resources, "rehabilitation" shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68; and provided further, that with respect to land for recreational use, "rehabilitation" shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

"Support of Community housing", shall include, but not be limited to, programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable.

### Section 3.

(a) Sections 3 to 7, inclusive, shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

(b) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59. (b½) Notwithstanding chapter 59 or any other general or special law to the contrary, as an alternative to subsection (b), the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not less than 1 per cent of the real estate tax levy against real property, and making an additional commitment of funds by dedicating revenue not greater than 2 per cent of the real estate tax levy against real property; provided, however, that additional funds so committed shall come from other sources of municipal revenue, including, but not limited to, hotel excises pursuant to chapter 64G, linkage fees and inclusionary zoning payments, however authorized, the sale of municipal property pursuant to section 3 of chapter 40, parking fines and surcharges pursuant to sections 20, 20A, and 20A½ of chapter 90, existing dedicated housing, open space and historic preservation funds, however authorized, and gifts received from private sources for community preservation purposes; and provided further that additional funds so committed shall not include any federal or state funds. The total funds committed to purposes authorized under this chapter by means of this subsection shall not exceed 3 per cent of the real estate tax levy against real property, less exemptions, adopted. In the event that the municipality shall no longer dedicate all or part of the additional funds to community preservation, the surcharge of not less than 1 per cent shall remain in effect, but may be reduced pursuant to section 16.

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. A taxpayer receiving an exemption of real property authorized by said chapter 59 or any other law shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The legislative body may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates;

(3) for \$100,000 of the value of each taxable parcel of residential real property; or

(4) for \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said chapter 59.

(f) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

*"Shall this (city or town) accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?"*

*(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including in said summary the percentage of the surcharge to be imposed.)*

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

(g) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.

(h) If the legislative body does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.

(i) With respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the reduction in taxes realized by this exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or

mobile home is located if all other requirements of this clause are met. This subsection shall take effect in a city or town upon its acceptance by the city or town.

#### Section 4.

(a) Upon acceptance of sections 3 to 7, inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

(b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

#### Section 5.

(a) A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and

one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

(b)(1) The community preservation committee shall study the needs, possibilities and resources of the city or town regarding community preservation, including the consideration of regional projects for community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

(2) The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.

(3) The community preservation committee may include in its recommendation to the legislative body a recommendation to set aside for later spending funds for specific

purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

(c) The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the legislative body shall include their anticipated costs.

(d) After receiving recommendations from the community preservation committee, the legislative body shall take such action and approve such appropriations from the Community Preservation Fund as set forth in section 7, and such additional non-Community Preservation Fund appropriations as it deems appropriate to carry out the recommendations of the community preservation committee. In the case of a city, the ordinance shall provide for the mechanisms under which the legislative body may approve and veto appropriations made pursuant to this chapter, in accordance with the city charter.

(e) For the purposes of community preservation and upon the recommendation of the community preservation committee, a city or town may take by eminent domain under chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two-thirds vote of the legislative body. Upon a like recommendation and vote, a city or town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.

(f) Section 16 of chapter 30B shall not apply to the acquisition by a city or town, of real property or an interest therein, as authorized by this chapter for the purposes of community preservation and upon recommendation of the community preservation committee and, notwithstanding section 14 of chapter 40, for purposes of this chapter, no such real property, or interest therein, shall be acquired by any city or town for a price

exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.

A city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund.

## Section 6.

In each fiscal year and upon the recommendation of the community preservation committee, the legislative body shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the annual revenues for community housing. In each fiscal year, the legislative body shall make appropriations from the Community Preservation Fund as it deems necessary for the administrative and operating expenses of the community preservation committee and such appropriations shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund. The legislative body may also make appropriations from the Community Preservation Fund as it deems necessary for costs associated with tax billing software and outside vendors necessary to integrate such software for the first year that a city or town implements this chapter; provided, however, that the total of any administrative and operating expenses of the community preservation committee and the first year implementation expenses do not exceed 5 per cent of the annual revenues in the Community Preservation Fund.

Funds that are set aside shall be held in the Community Preservation Fund and spent in that year or later years; provided, however, that funds set aside for a specific purpose shall be spent only for the specific purpose. Any funds set aside may be expended in any city or town. The community preservation funds shall not replace existing operating funds, only augment them.



## Section 7.

Notwithstanding the provisions of section 53 of chapter 44 or any other general or special law to the contrary, a city or town that accepts sections 3 to 7, inclusive, shall establish a separate account to be known as the Community Preservation Fund of which the municipal treasurer shall be the custodian. The authority to approve expenditures from the fund shall be limited to, the legislative body and the municipal treasurer shall pay such expenses in accordance with chapter 41.

The following monies shall be deposited in the fund: (i) all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to sections 4 and 11; (ii) additional funds appropriated or dedicated from allowable municipal sources pursuant to subsection (b½) of section 3, if applicable; (iii) all funds received from the commonwealth or any other source for such purposes; and (iv) proceeds from the disposal of real property acquired with funds from the Community Preservation Fund. The treasurer may deposit or invest the proceeds of the fund in savings banks trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks, or may invest the proceeds in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth or in the manner authorized by section 54 of chapter 44, and any income therefrom shall be credited to the fund. The expenditure of revenues from the fund shall be limited to implementing the recommendations of the community preservation committee and providing administrative and operating expenses to the committee.

**From Massachusetts General Laws:**

**COMPLETE STREETS PROGRAM**

**M.G.L. c. 90 I §1**

*As added by St. 2014, c. 79, § 9.*

Section 1. (a) As used in this chapter, the following words, unless the context clearly requires otherwise, shall have the following meanings:--

"Certified municipality", a city or town that has been certified by the department pursuant to subsection (c).

"Complete streets", streets that provide accommodations for users of all transportation modes including, but not limited to, walking, cycling, public transportation, automobiles and freight.

"Department", the Massachusetts Department of Transportation.

"Program", the complete streets certification program.

(b) The department shall establish a complete streets certification program to encourage municipalities to regularly and routinely include complete streets design elements and infrastructure on locally-funded roads.

(c) To be certified as a complete streets community, a municipality shall: (i) file an application with the department in a form and manner prescribed by the department; (ii) adopt a complete streets by-law, ordinance or administrative policy in a manner which shall be approved by the department and which shall include at least 1 public hearing;

provided, however, that the by-law, ordinance or administrative policy shall identify the body, individual or entity responsible for carrying out the complete streets program; (iii) coordinate with the department to confirm the accuracy of the baseline inventory of pedestrian and bicycle accommodations in order to identify priority projects; (iv) develop procedures to follow when conducting municipal road repairs, upgrades or expansion projects on public rights-of-way in order to incorporate complete streets elements; (v) establish a review process for all private development proposals in order to ensure complete streets components are incorporated into new construction; (vi) set a municipal goal for an increased mode share for walking, cycling and public transportation, where applicable, to be met within 5 years and develop a program to reach that goal; and (vii) submit an annual progress report to the department. Certified municipalities shall be eligible to receive funding pursuant to the program.

(d) This section shall take effect in a city with a Plan D or Plan E charter, by a vote of the city council upon submission by the city manager and in all other cities by a vote of the city council with the approval of the mayor and in a town with a town council, by vote of the town council and in all other towns, by a vote of the town meeting.

(e) The department shall adopt rules, regulations or guidelines for the administration and enforcement of this section including, but not limited to, establishing applicant selection criteria, funding priority, application forms and procedures, grant distribution and other requirements.

(f) The governor shall appoint an advisory committee to assist the department in developing the rules, regulations or guidelines for the program, including the development of a model complete streets by-law or ordinance. The advisory committee shall consist of 12 persons to be appointed by the governor, 3 of whom shall be from different regional

planning agencies in the Massachusetts Association of Regional Planning Agencies, 2 of whom shall be residents of gateway municipalities as defined in section 3A of chapter 23A and 1 of whom shall be from each of the following organizations: the Metropolitan Area Planning Council, the department of public health, the Massachusetts Municipal Association, Inc., the Massachusetts Bicycle Coalition, Inc., WalkBoston, Inc., the Livable Streets Transportation Alliance of Boston, Inc., and the Massachusetts Association of Chamber of Commerce Executives, Inc.

(g) The department shall annually, not later than April 1, submit a report detailing the program's progress during the previous calendar year to the clerks of the senate and house of representatives who shall forward the same to the joint committee on transportation and the joint committee on public health. The report shall be made available on the department's website.



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

50 Pleasant Street  
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Phone: 781.316.3150  
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To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager  
John Leone, Town Moderator  
Paul Tierney, Director of Assessments  
Christine Bongiorno, Director of Health & Human Services  
Proponents of Articles

From: Douglas W. Heim, Town Counsel

A handwritten signature in black ink, appearing to read "D. Heim", written over the printed name "Douglas W. Heim, Town Counsel".

Date: February 6, 2015

Re: Annual Town Meeting Warrant Articles Regarding: Human Rights Commission Bylaw Changes; Limiting Speaking Time for Announcements and Reports Bylaw Changes; and Implementation of 2012 Mass. DOR Recommendations on the Board of Assessors Home Rule

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I write to provide the Board a summary of the above-referenced warrant articles to assist in the Board's consideration of these articles at its upcoming hearing on February 9, 2015. While the specific order of articles has yet to be finalized, articles are presented in the order of the broader categories in which they will likely appear on the Warrant. Further, for the Board's convenience, attached to the end of this memo are copies of reference materials.

**ARTICLE**

**BYLAW AMENDMENT/ARLINGTON HUMAN RIGHTS  
COMMISSION**

**To see if the Town will vote to update Title II Article 9 - Human Rights Commission for complaints against town departments and agencies; or take any action related thereto.**

**(Inserted at the request of Stephen Harrington and ten registered voters)**

This article was inserted by the citizen petition of Mr. Stephen Harrington. It is my understanding that Mr. Harrington will present at hearing to both detail and advocate for the changes he seeks to the bylaws, which could feature a number of possibilities regarding complaints filed and investigated against Town departments and agencies. As a general matter, a wide range of amendments to the current bylaw are within Town Meeting's power. However, care must be exercised to ensure that any amendments do not violate or pre-empt state law.

By way of background, the Arlington Human Rights Commission ("AHRC") was established by vote of the 1993 Town Meeting with broad duties, responsibilities and tools to accomplish its missions as set forth in Title II Article 9 (attached hereto for reference). Among its duties, the AHRC may "...receive and investigate complaints of and to initiate its own complaints and/or investigations of any violations of [its] Bylaw." Title II, Art. 9, Sec. 5(B). Such investigations and the resolution of complaints are expressly complementary to state and federal anti-discrimination agencies such as the Massachusetts Commission Against Discrimination ("MCAD") and the Equal Employment Opportunity Commission ("EEOC") and their respective authorizing statutes and regulations.

Under the bylaw as presently constituted, Town departments and agencies are instructed to cooperate with the AHRC to the extent possible in the pursuit of the goals set forth in Title II Article 9, which includes "furnish[ing] information in the possession of such department, agency

or commission where such information relates to the duties and responsibilities of the Commission.” Title II, Art. 9, Sec. 6(B). Further, the Town itself may be the subject of a complaint before the AHRC, and where necessary, the AHRC may “hold hearings, administer oaths, take the testimony of any person under oath and, in connection therewith, to require production of any evidence relating to any matter in question or under investigation before [it].” Title II, Art. 9, Sec. 5(D). Accordingly, a complaint against the Town can be issued under the current bylaw, and the AHRC may take testimony under oath and “require production of evidence” from a Town department. However, there are a number of important caveats on the AHRC’s current and potential authorities.

First, generally the AHRC lacks the authority to determine violations of substantive rights, meaning that unlike MCAD or a court of competent jurisdiction, any investigatory findings or hearing results (while significant in many respects) do not hold binding legal effect. As such, the bylaw may not be amended in any way that would intrude upon the authorities of MCAD or the courts.

Second, the AHRC’s investigatory and hearing tools, especially relative to Town departments and agencies are largely rooted in a cooperative model even where the Town is the subject of a complaint. Additional tools departing from such a model may be permissible, but should be carefully examined to ensure that they are consistent with the limitations of a local government commission in both enforceability and scope.

## ARTICLE

## HOME RULE/BOARD OF ASSESSORS CHANGES

**To see if the Town will vote to implement the recommendations of the 2012 Massachusetts Department of Revenue "Town and School Finance Analysis" report to make the Director of Assessments an appointment of the Town Manager and to consider changing, or to change, the Board of Assessors from an elected to an appointed board; or take any action related thereto.**

**(Inserted at the request of Christopher Loreti and ten registered voters)**

This article was inserted by the citizen petition of Mr. Christopher Loreti. Mr. Loreti has provided background materials in the form of the Department of Revenue's 2012 recommendations referenced in his article itself. In short, Mr. Loreti's seeks to amend the Town Manager Act to convert the Board of Assessors from elected to appointed offices, and to have the Director of Assessments changed to become an appointment of the Town Manager. Such changes may be achieved by appropriate Home Rule legislation approved by the Legislature and a successful subsequent ballot question.<sup>1</sup>

As members of the Board may recall, 2011 Town Meeting voted to request the Town Manager research a consolidated Town-School Finance Department and report recommendations to the 2012 Annual Town Meeting. To develop such recommendations, the Manager, this Board, and the School Committee requested the Department of Revenue ("DOR") and the Department of Elementary and Secondary Education analyze Town and School Department financial operations, report on their findings, and provide recommendations.

The resulting 2012 DOR report provided fifteen (15) recommendations, many of which are oriented towards the centralization of town and school financial management duties and responsibilities under the Town Manager through the creation of a consolidated Municipal

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<sup>1</sup> An amendment to the Town Manager Act converting an elected office to an appointed office will certainly require a ballot question. An amendment to the Act making the Director of Assessments a Town Manager appointee may not strictly require a ballot question, but as a practical matter I believe that a single piece of Home Rule legislation with a ballot question would both be more efficient and better received by the State Legislature.



Finance Department. Among the comprehensive changes to achieve such centralization were the conversion of several elected offices to appointed offices, specifically the Board of Assessors and the Town Treasurer. Similarly, DOR recommended re-orienting the Director of Assessments to be appointed by the Town Manager rather than the Board of Assessors.

Based in part upon the DOR's recommendations, the creation of a Municipal Finance Department was contemplated by the 2012 Annual Town Meeting Warrant under Article 32, but this Board and the Town Manager agreed that further analysis with appropriate stakeholders was necessary before submitting a specific proposal. Subsequently, Article 22 on the 2013 Annual Town Meeting Warrant requested Home Rule legislation to comprehensively create a coordinated Municipal Finance Department. However, this Board moved for no favorable action at such time.

Mr. Loreti's article seeks to effectuate two of the recommendations of the 2012 DOR report, but should still follow the same Home Rule process as the more comprehensive municipal finance reorganization considered in 2013. As a final matter, it should be noted that the DOR's recommendations highlighted a number of variations on how a Director of Assessments both appointed and supervised, which the Board may find in the 2012 DOR analysis.

## ARTICLE

## BYLAW AMENDMENT/ LIMITING SPEAKING TIME FOR ANNOUNCEMENTS AND REPORTS

**To see if the Town will vote to amend Title I, Article 1, Section 7C of the Town Bylaws, Regulation of Speakers, by further limiting the time a person shall speak, or otherwise hold the floor, for the purpose of presenting reports and announcements or any other remarks that do not pertain to an actionable article in the warrant; or take any action related thereto.**

**(Inserted at the request of Paul Schlichtman and ten registered voters)**

This article was inserted by citizen petition. While it was not submitted for review by Town Counsel, its intent is self-evident and I expect Mr. Schlichtman will present at hearing to both detail and advocate for this article before the Board at hearing. In sum, the bylaw changes sought by Mr. Schlichtman to Title I, Article 1, Section 7C (attached for reference) are feasible, though such changes are not necessary to limit speakers' time.

While the Town may (and does) regulate proceedings of Town Meeting via bylaws, , the Town Moderator, pursuant to G.L. c. 39 §15, presides and has the authority to regulate the proceedings of Town Meeting, including the regulation of speakers. It is my understanding that Arlington's Town Moderator intends to restrict speakers presenting reports and announcements to four (4) minutes based upon his poll of members at the 2014 Town Meeting, and as such, does not believe that further bylaw regulations are necessary.

**REFERENCE MATERIAL: RELEVANT TOWN BYLAWS**

**TITLE I, ARTICLE 1**

**TOWN MEETINGS**

**Section 7. Regulation of Speakers**

**A. Right to Address Meeting**

The following officers shall have the same power to address the Town Meeting as an elected Town Meeting Member, but they shall not have a vote in the Town Meeting: the Town Moderator, the Town Clerk, the Town Treasurer, the Town Manager, the Superintendent of Schools, the Chairmen of the Board of Selectmen, the Assessors of Taxes, the School Committee, the Redevelopment Board, the Finance Committee, the Personnel Board, and the chairmen of all other Boards, Commissions and Committees established under the bylaws or by a vote of the Town Meeting. In the absence of the chairman of any of the foregoing, the Vice-Chairman shall have the rights of the Chairman.

ART. 12 ATM 4/27/92

**B. Manner of Speaking**

ART. 13 ATM 4/29/92; ART. 28 ATM 5/6/02

Every person desiring to speak shall arise, address the chair and on obtaining recognition, shall stand, while speaking, unless the Moderator otherwise directs. A Town Meeting Member who speaks upon any matter in which the speaker or his or her immediate family has a direct financial interest shall first disclose such interest to the meeting. The words Adirect financial interest shall include, but not be limited to, employment as attorney or consultant with respect to the matter.

**C. Time Limits**

(ART. 18, ATM – 04/29/92) (ART. 11, ATM –04/26/99)(ART. 20, ATM – 4/30/12)

No person shall speak, or otherwise hold the floor, for the first time on any subject for more than seven minutes, unless, prior to beginning his or her presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting.

No person shall speak, or otherwise hold the floor, for a second time on any subject for more than five minutes.

No person shall speak, or otherwise hold the floor, more than twice on any subject except to correct an error, without first obtaining permission of the meeting by obtaining a majority vote of the Town Meeting Members present and voting. After obtaining said permission, the person shall not speak, or otherwise hold the floor, for more than five minutes.

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## **TITLE II, ARTICLE 9**

### **HUMAN RIGHTS COMMISSION**

*(ART. 22, ATM – 05/12/93)*

#### **Section 1. Preamble**

The Town of Arlington has formed Vision 2020 as a long-range planning vehicle; and Vision 2020 has established the Diversity Task Group; and The goal statement of the Diversity Task Group provides that:

"We value the diversity of our population. Our Town's mix of ethnic, religious and cultural backgrounds, as well as economic and personal circumstances, enriches us all. We will be known for the warm welcome and respect we extend to all;" and

One of the Diversity Task Group's recommendations is the formation of a Human Rights Commission; and

The Vision 2020 Standing Committee, the Fair Housing Advisory Committee, the Affirmative Action Advisory Committee, and others support the creation of such a Commission to foster the policies described in Section 2 below;

**The Town of Arlington does hereby create a Human Rights Commission as provided for in this Bylaw.**

#### **Section 2. Policy of the Town of Arlington**

- A. It is the intention of the Town of Arlington ("Town") to establish a Commission to advance issues related to the fair and equal treatment of individuals, and to create a mechanism for addressing complaints arising out of these issues.

- B. It is the policy of the Town to protect every individual in the enjoyment and exercise of his/her human and civil rights and to encourage and bring about mutual understanding and respect among all people within the Town.
- C. It is the intention of this Bylaw that all persons be treated fairly and equally. The purpose of this Bylaw is to bring about the elimination of prejudice, intolerance, bigotry, unlawful discrimination, threats, coercion or intimidation based upon an individual's race, color, religious views, national origin, gender, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status, and the disorder occasioned thereby. Nothing in this Bylaw shall be construed as supporting or advocating any particular religious or political view or lifestyle.
- D. It shall be considered an unlawful practice under this Bylaw for any person to deny, interfere with, threaten or subject an individual to coercion or intimidation concerning equal access to and/or discrimination in employment, housing, education, recreation, services, public accommodation and public area where such denial, interference, threats, coercion, intimidation or unlawful discrimination against a person is based upon race, color, religious views, national origin, gender, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.

### **Section 3. Establishment of a Human Rights Commission**

- A. **Scope** There is hereby established a Town board to be known as the Arlington Human Rights Commission ("Commission") which shall implement the policy of this Bylaw by:
  - 1. Improving the life of the Town by enlisting community-based groups in educational programs and campaigns to increase mutual respect, harmonious intergroup relations and the peaceful enjoyment of life in our community;
  - 2. Working with Town Government, the School Department, Town Commissions and Boards to increase diversity, as well as awareness and sensitivity to human and civil rights issues;
  - 3. Responding to complaints by persons in the Town who believe that their human or civil rights, as defined in this Bylaw or in state or federal law, have been violated in the Town;
  - 4. Initiating investigations into circumstances which appear to the Commission to be the result of unlawful discrimination against any person(s) in the Town.

**B. Appointment & Terms of Office of Commission Members**  
*(ART. 23, ATM – 05/01/96)*

1. The Commission shall consist of thirteen (13) members, five of whom will be appointed by the school committee, four by the Town Manager subject to the approval of the Board of Selectmen and four by the Town Moderator. The term of office shall be for three years except two of the initial appointments of the school committee shall be for a term of one year, one of the initial appointments of the Manager and Moderator respectively shall be for one year, two of the initial appointments of the School Committee shall be for two years, one of the appointments of the Manager and Moderator respectively shall be for two years.

The members shall be sworn to the faithful performance of their duties, and shall serve until their successors are appointed and sworn. There shall be an Executive Director appointed by the Town Manager.

2. The Commission shall include among its membership individuals publicly solicited and representative of the diversity of the Town.
3. If a member shall fail to attend three or more consecutive meetings of the commission, the commission by vote, may so advise the appropriate appointing authority, who may remove such member, and appoint a successor for the unexpired term of the member so removed.

**C. Residency Requirement** All members of the Commission shall be residents of the Town at the time of their appointment and throughout their tenure.

**D. Executive Director** Before appointing an Executive Director, the Town Manager shall obtain the approval of the Board of Selectmen and consider the recommendation of the Commission. The Executive Director shall be an employee of the Town and report to the Town Manager. The prospective Executive Director shall have demonstrable experience in human and civil rights, as well as proven ability to work cooperatively in a diverse community.

Subject to the direction of the Commission, the Executive Director shall be responsible for the overall administration of the Commission's activities and shall serve as its executive officer. The Executive Director shall have the power and duty to initiate activities designed to educate and inform the Town about the effects of prejudice, intolerance, and bigotry; to receive and/or initiate complaints and investigations of discriminatory practices as defined by local, state, and federal law; to report his/her findings to the Commission; and to attempt mediation of any complaint alleging discrimination under applicable local, state, and federal law when there is cause for such complaint.

**E. Officers, Quorum, and Adoption of Rules and Regulations**

1. The Commission shall elect a Chairperson from among its members at the first meeting each year. The Commission shall endeavor to rotate the election of a Chairperson each year thereafter. The Chairperson shall preside over the meetings of the Commission.
2. Seven (7) members shall constitute a quorum for the purpose of conducting the business of the Commission and all decisions shall be by a majority vote of the Commission members present and voting.
3. The Commission shall adopt rules and regulations consistent with this Bylaw and the laws of the Commonwealth of Massachusetts to carry out the policy and provisions of this Bylaw and the powers and duties of the Commission in connection therewith. The rules shall ensure the due process rights of all persons involved in investigations and hearings.
4. Members of the Commission shall serve without compensation.
5. Members of the Commission may be removed by the appointing authority for just cause.

**Section 4. Definitions**

- A. The terms referencing the basis for discrimination as cited in Section 2 of this Article are as defined below or in applicable state and federal law, including but not limited to G.L. c.12 Sections 11H and 11I, c.93 Section 102, c.151b, the Civil Rights Act of 1964, as amended (42 USC Section 2000d et seq), the Age Discrimination in Employment Act of 1967, as amended (29 USC Section 621 et seq), the Americans with Disabilities Act (42 USC Section 1210 et seq), the Rehabilitation Act of 1974, as amended (29 USC Section 794), the Civil Rights Act of 1991 (PL 102-166), and the Equal Credit Opportunity Act (15 USC 1601 et seq).
- B. The term "person" includes, but is not limited to, one or more individuals, partnerships, associations, agencies, corporations, legal representatives, trustee, trustees in bankruptcy and receivers, the Town of Arlington, federal or state political subdivisions, boards, committees and commissions, or employees thereof.
- C. The term "religious views" shall encompass a belief in a specific set of religious beliefs, as well as a disbelief or skepticism about any or all religious beliefs.
- D. The term "family status" refers to the actual or supposed condition of having or not having children.

- E. The term "marital status" refers to the actual or supposed state of being or having been unmarried, married, separated, divorced or widowed.
- F. The term "source of income" refers to the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents excluding the use of criminal activities as a means of support.
- G. The term "military status" refers to the actual or supposed condition being, not being, having been or not having been in the service of the military.

## **Section 5. Functions, Powers & Duties of the Commission**

The function of the Commission shall be to implement the policy of this Bylaw by the exercise of the following powers and duties:

- A. To initiate activities designed to educate and inform the Town about the effects of prejudice, intolerance, and bigotry through the following actions:
  - 1. To hold public hearings and public forums, make studies and surveys and to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious views, national origin, gender, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.
  - 2. Develop and/or recommend courses of instruction for presentation in public and private schools, public libraries and other suitable places, devoted to eliminating prejudice, intolerance, bigotry and discrimination and showing the need for mutual respect and the achievement of harmonious relations among various groups in the Town.
  - 3. Create such subcommittees from the members of the Commission as, in the Commission's judgment, will best aid in effectuating the policy of this Bylaw.
  - 4. Enter into cooperative working agreements with federal, state and town agencies, and enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations and other groups in order to effectuate the policy of this Bylaw.  
  
Monitor, publicize and, where necessary, act to increase the diversity on appointed Town boards and committees.
  - 5. Render each year to the Board of Selectmen, Town Manager, School Committee and Superintendent of Schools a full written report of all the



Commission's activities and recommendations regarding this Bylaw for inclusion the Town Report.

- B. To receive and investigate complaints of and to initiate its own complaints and/or investigations of any violations of this Bylaw.
- C. To attempt by mediation to resolve any complaint over which it has jurisdiction and to recommend to the Town Manager, the Board of Selectmen, the Superintendent of Schools or the School Committee, as appropriate, such action as it feels will resolve any such complaint.
- D. In the case of any unresolved complaint or in the case of any investigation which would be aided thereby, to hold hearings, administer oaths, take the testimony of any person under oath and, in connection therewith, to require production of any evidence relating to any matter in question or under investigation before the Commission.

#### **Section 6. Relations with Town Agencies**

- A. The Commission, School Department, Community Safety Department and all other Town departments, agencies, boards and commissions shall work cooperatively to effectuate the policy of this Bylaw.
- B. So far as practicable and subject to the approval of the Town Manager, or, in the case of the School Department, the Superintendent of Schools, the services of all other Town departments, agencies, boards and commissions shall be made available to the Commission for effectuating the policy of this Bylaw.

The head of any department, agency or other commission shall furnish information in the possession of such department, agency or commission where such information relates to the duties and responsibilities of the Commission.

- C. The Town Counsel shall provide for representation of the Commission upon the Commission's request.
- D. Any contract entered into by the Town or the School Department or any of their agencies, departments or subdivisions shall contain a covenant by the contractor and each subcontractor not to violate this Bylaw. Breach of this Bylaw shall be regarded as a material breach of such contract.

#### **Section 7. Complaint Resolution Procedures**

- A. Any person or class of persons claiming to be aggrieved by an alleged violation of this Bylaw shall make, sign and file with the Commission a verified complaint in writing which shall state the particulars and other such information as may be required by the Commission, including, if known, the name and address of the

person alleged to have committed such violation. The Commission may also, on its own, issue a complaint whenever it has reason to believe that any person has engaged in a practice that violates this Bylaw.

- B.** No complaint shall be considered unless it is filed within four months after the occurrence of the practice alleged to violate this Bylaw, or unless it has been referred to the Commission by the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission after having been filed in a timely manner with either or both agencies.
- C.** The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum.

Nor shall filing or failing to file a complaint with other federal, state or town agencies or courts bar the complainant from seeking relief through the Commission.

- D.** After the filing of any complaint, the Chairperson of the Commission shall designate the Executive Director or one or more of the Commissioners to oversee a prompt investigation thereof with the assistance of the staff of the Commission.
- E.** After such investigation, the Executive Director or the designated Commissioner(s), as the case may be, shall promptly file a report of such findings with the Commission, which shall determine whether or not to dismiss the complaint. The Commission shall, within ten working days from such determination, notify the complainant in writing of such determination.

- 1.** If such Commissioner(s) determine(s) after such investigations that cause does exist to support the allegations of the complaint or if the Commission so determines, notwithstanding a negative report from such Commissioner(s), the Commission shall forthwith endeavor by mediation to eliminate the practice that violates this Bylaw.

The Commission and its staff shall not disclose the terms of mediation when the complaint has been disposed of in this manner pursuant to G.L. c.233 Section 23C unless both parties agree to the disclosure. The Commission may issue orders consistent with its findings during the mediation process.

- 2.** In the case of such a finding under Section VII.E.1., as part of the mediation process the Commission may issue an informal admonition to the respondent. Such a finding shall not be published or made public, pursuant to G.L. c.233 Section 23C.

3. Alternatively, in the case of such a finding of a more serious nature under Section VII.e.1., the Commission may issue a private reprimand to the respondent. A party receiving a private reprimand shall not be eligible for a similar disposition for two (2) years. Such finding shall not be published or made public pursuant to G.L. c.233 Section 23C.
- F. The respondent shall have the right to appeal any action of this Commission to a court of competent jurisdiction, as provided by law.

#### **Section 8. Contributions to the Commission**

The Commission may accept contributions, grants and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the policy of this Bylaw.

#### **Section 9. Construction of Bylaw**

The provisions of this Bylaw shall be construed liberally for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by federal or state law.

#### **Section 10. Effect of State and Federal Law**

- A. Nothing in this Bylaw shall be deemed to exempt or relieve any person from any liability, duty, penalty or punishment provided by any present or future law of the Commonwealth of Massachusetts or the United States of America.
- B. Any remedies provided by this Bylaw shall be cumulative with any other remedies provided by local, state or federal law.

#### **Section 11. Severability**

Should any section, provision, paragraph, sentence or word of this Bylaw be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this Bylaw as a whole, or any part thereof, which shall remain in full force and effect, other than the portion so declared to be invalid.

--Original Message-----

From: "John D. Leone" <john@leonelaw.com>

To: "MaryAnn Sullivan" <MSullivan@town.arlington.ma.us>, "Adam Chapdelaine" <AChapdelaine@town.arlington.ma.us>, "Douglas Heim" <DHeim@town.arlington.ma.us>

Date: Tue, 3 Feb 2015 16:57:16 -0500

Subject: RE: Warrant Article Hearing, Monday, February 9th: Limiting Speaking Time for Announcements and Reports

We really do not need a Bylaw change to regulate " the time a person shall speak, or otherwise hold the floor, for the purpose of presenting reports and announcements or any other remarks that do not pertain to an actionable article in the warrant".

Arlington is one a few Town's that actually has a Bylaw to address the length of time a speaker can speak to an Article. In most towns the time is set by the Moderator. The Moderator controls the floor of the meeting and can regulate such time limits. It is my intention to limit these type of speakers to four (4) minutes this year. One of the clicker tests last year was to see if the Meeting wanted to limit the time of such speakers. They did. A second test question, was for time 3, 4 or 5 minutes, it was fairly evenly split between 3 and 5 minutes. So I am splitting the difference and limiting them to 4 minutes.

I will not be available to speak to this on Monday. Please pass my comments on to the Selectmen.

John D. Leone, Moderator  
Town of Arlington  
637 Massachusetts Avenue  
Arlington, MA. 02476  
Tel: 781-648-2345

Here is my reference material for the hearing on my article. I am sending this report along in case any of the Selectmen have not already read it. Recommendations 3 and 4 on page 23 and Appendix 4 on page 32 provide the basis for my article, so I would appreciate it if you would refer the Selectmen to those pages.

Thank you,

Chris Loreti

3. We recommend that the town make the director of assessing an appointment of the town manager. This change will require additional amendments to the town manager act. If the town chooses to retain an elected board of assessors, however, this arrangement can be awkward. Other towns have addressed this problem by creating a dual reporting relationship where the elected board provides the director with general direction, but the director receives direct, day-to-day supervision from the manager. In other cases, towns have established an appointment process where the assessors screen and check the credentials of potential applicants and recommend one or more choices to the manager.

4. We recommend that the town consider making the board of assessors appointed as well. Today, the role of the board of assessors is largely dictated by state law, computer assisted mass appraisal techniques and the procedural and reporting requirements enforced by the Department of Revenue. Even with regard to abatements and exemptions, the assessors have very little policy discretion. Abatements should be determined based on the relevant facts at hand and, if new information comes to light, new values should be determined using consistent mass appraisal methods to ensure equity when compared to similar properties. Strict statutory eligibility criteria also severely limit any discretion assessors may have in granting property tax exemptions. Only with the hardship exemption under MGL Ch. 59, Section 5, Clause 18, do the assessors have some discretion in determining eligibility. The assessors granted only two of these exemptions in FY2010.

## **Appendix 4 - Model Finance Department Structures**

### **Needham Charter – Chapter 176 of the Acts of 2004**

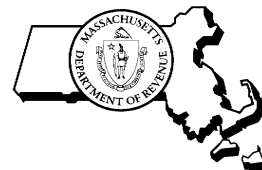
- Town manager appoints the assistant town manager/director of finance subject to the approval of the selectmen.
- Town manager appoints the town accountant, treasurer/tax collector and administrative assessor.
- Removal of assistant town manager/finance director subject to the approval of the selectmen and removal of administrative assessor requires consultation with board of assessors
- Three-member board of assessors are elected
- Representative town meeting of not more than 252 members

### **Lexington – Selectmen-Town Manager Act, Chapter 753 of the Acts of 1968**

- Town manager appoints a treasurer/collector and board of assessors;
- Director of assessing appointed by town manager
- Comptroller appointed by selectmen, after recommendation by town manager, and serves as assistant town manager for finance,
- assistant town manager for finance reports directly to the town manager
- In this capacity, assistant town manager for finance oversees accounting, collections, treasury and assessing.

### **Brookline – Town Administrator and Finance Director Acts, Chapter 270 of the Acts of 1985, Chapter 25 of the Acts of 1993 and Chapter 29**

- Consolidated finance department established in 1993, treasurer/collector position converted from elected to appointed
- Finance director appointed by the selectmen based on the recruitment efforts and recommendation of the town administrator.
- Finance director recommends appointment or removal of treasurer/collector, comptroller and chief assessor to the town administrator; selectmen make these appointments based on town administrator's recommendation.
- The chief assessor serves as chair of the board of assessors and other two assessors are appointed by the selectmen.



Town of Arlington

# **Town and School Finance Analysis**

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Division of Local Services / Technical Assistance Section

January 2012





January 26, 2012

Brian F. Sullivan  
Town Manager  
730 Massachusetts Ave.  
Arlington, MA 02476

Dr. Kathleen Bodie  
Superintendent of Schools  
869 Massachusetts Ave.  
Arlington, MA 02476

Dear Mr. Sullivan and Dr. Bodie:

It is with pleasure that I transmit to you the enclosed report, "Town of Arlington, Town and School Finance Analysis" with additional copies for distribution. It is our hope that the information presented in this report will assist the Town of Arlington in its decision-making process with regards to consolidating municipal and school finance/business functions.

As a routine practice, we will post the completed report on-line at the Division of Local Services website within a week or two. Also, we will forward a copy of the report to the town's state senator and representatives.

If you have any questions or comments regarding our findings and recommendations, please feel free to contact Rick Kingsley, Bureau Chief of the DLS Municipal Data Management and Technical Assistance Bureau at (617) 626-2376 or at [kingsleyf@dor.state.ma.us](mailto:kingsleyf@dor.state.ma.us).

In closing, we would like to thank you and the other officials in Arlington for your cooperation. I am pleased that the Division of Local Services has had the opportunity to assist the town as part of the Department of Revenue's ongoing commitment to improve financial management in cities and towns across the Commonwealth.

Sincerely,

Robert G. Nunes  
Deputy Commissioner and  
Director of Municipal Affairs

RGN:mjo  
Enclosure

cc: Senator Kenneth J. Donnelly  
Representative Sean Garballey  
Representative Jay R. Kaufman

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## Introduction

At the request of the Arlington Board of Selectmen and School Committee, the Department of Revenue's Division of Local Services (DLS) and the Massachusetts Department of Elementary and Secondary Education (DESE) have completed this analysis on the possible consolidation of municipal and school financial management operations. As part of this analysis, the selectmen and school committee asked us to explore the potential benefits of consolidating or restructuring some or all of these functions.

We have based our findings and recommendations on site visits and telephone conversations by staff members of the Division's Municipal Data Management & Technical Assistance Bureau (MDM/TAB) and DESE's School Business Services unit. The staff interviewed members of the board of selectmen, school committee and finance committee, as well as the town manager and school superintendent, deputy town manager, comptroller, treasurer/collector, director of assessing, school chief financial officer, payroll director, town-school information technology director, purchasing agent and other municipal finance and school business office staff.

DLS staff examined documents such as the annual budgets, tax rate recapitulation sheets, balance sheets and audits. We reviewed the town's organizational structure as set out in the Arlington Town Manager Act, subsequent other special acts and the town's bylaws. The town also provided us with warrants, employee contracts, job descriptions, revenue and expenditure reports, the Powers and Sullivan report on the FY2010 school deficit, the Massachusetts Association of School Business Officials (MASBO) review of the school department's financial operations and other assorted financial documents.

The purpose of this assessment is to assist Arlington officials as they evaluate the town and school financial organizations and consider the prospect of merging these functions or otherwise restructuring them. In reviewing the existing operations, we have focused on: (1) documenting existing organizational structures and workflows; (2) examining potential options and opportunities for achieving operational efficiencies or process improvements; and (3) assessing the benefits or efficiencies associated with consolidation or re-structuring of the town and school finance operation.

We encourage the selectmen and school committee, when evaluating whether to restructure, or possibly merge, these finance operations, to consider the observations, analyses, and recommendations contained in this report.

## Overview

Originally settled over 350 years ago as the village of Menotomy, Arlington today has a population of 42,844 spread over 5.18 square miles, making it the twelfth most densely populated municipality in the state. Tight-knit neighborhoods in close proximity to Boston, a diverse housing stock and easy access to highway and mass transit routes make Arlington a highly desirable community. Well-educated and technology savvy residents are passionate about the town, interested in how scarce revenues are allocated among services and hold high expectations for the performance of government. They are active in community affairs and participation is strong on the town's numerous boards and committees as well as at local elections.

Arlington was among the first communities in the state to establish a strong town manager's position and is widely recognized for being at the forefront of the ongoing trend in Massachusetts toward professional management. The "Town Manager Act," approved by the state legislature in 1952, calls for the selectmen to appoint a manager. The town manager is empowered to supervise and direct the administration of most town departments, including police, fire and public works. For the most part, this has provided a sound management structure to ensure the efficient and effective delivery of general government services. However, neither the town manager, nor any other board or committee, has the authority to oversee and coordinate financial management.

Spending has been relatively modest in Arlington. Even when health insurance costs from the trust fund are included, general fund spending per capita rises only to \$2,520 or about 94 percent of the state-wide average spending of \$2,681. Though the town has a single tax rate for all property classes, the tax burden is borne predominantly by the residential property class. Residential property constitutes close to 94 percent of the total tax base and includes a mix of single-family, multi-family, condominium and apartment properties. Single-family tax bills in FY2011 averaged \$5,949, or 31 percent above the state average (\$4,537). The town's average per capita income based on 2008 state tax returns is \$43,637 or more than 30 percent above the state average and property wealth as measured by 2010 equalized property values per capita is \$177,084 or almost 14 percent above the state average.

The town's school system is noted for high academic achievement in both elementary and secondary grades, with Arlington High School recognized by both Boston Magazine and US News and World Report as a top performing high school based on student achievement and college readiness. Good schools and relatively affordable housing options have made Arlington an attractive community for young families with school-aged children. Contrary to the overall trend in state enrollment which declined 2.8 percent between FY2003 and FY2012, the town's foundation enrollment grew by 543 pupils or 13 percent during this period.

For many years, the town's fiscal situation has been strained due to several factors. First, the town's tax levy, which currently provides more than two-thirds of the town's total revenue, grows at a rate that is considerably slower than other communities in the state. As a built out community, the town has very little available space for new construction and must rely on additions/alteration to existing properties to generate "new growth." New growth refers to the increase in the annual levy limit beyond the baseline 2.5 percent increase allowed under Proposition 2 ½. New growth as a percent of the prior year's tax levy has been among the lowest in the state, averaging less than 1 percent since FY2000, compared to the state-wide average of 2.28 percent over this time period.

Arlington also has lost almost \$4 million in general government (non-school) local aid since FY2000, or \$93 per capita. Only 10 other municipalities statewide had deeper general government aid cuts on a per capita basis over this time period. These cuts were implemented as percentage reductions to each community's additional assistance and lottery aid in FY2003 and FY2004 and these accounts were then combined in the FY2010 state budget. Subsequent cuts to the new Unrestricted General Government aid also were done on a percentage basis. Consequently, the communities that received significant amounts of additional assistance, including Arlington, were subject to disproportionate cuts to their general government state aid.

Over the eleven years between FY2000 and FY2011, total town revenues have grown by \$37.5 million, or just under 42 percent. When compared to the 51 percent rate of inflation over this same period, by FY2011, the town had \$8.3 million less revenue than it would have had if revenue growth had simply kept pace with inflation. The cost of employee benefits, and in particular health insurance, has actually exceeded the rate of inflation and further limited spending on direct services. From FY2005 to FY2011, the town's contribution to employee health insurance increased from \$9.6 million to \$16.5 million, a \$6.9 million or 72 percent increase. To address these escalating costs, the town manager successfully negotiated an agreement with the town's labor unions to join the state's Group Insurance Commission.

In this environment of revenue constraints and spending pressures, town officials recognized early on that there were few alternatives but to impose budgetary discipline and emphasize long-term fiscal planning. The "Lyons Plan," named after long-time former selectman Charles Lyons, outlined a multi-year strategy for controlling operating budgets, containing growth in employee health insurance and placing a substantial override before the voters with the promise not to seek another general-purpose override for five years. In June of 2005, the voters of Arlington approved a \$6 million override by a narrow 52 to 48 percent margin. In the initial years, override dollars were appropriated into a special purpose stabilization fund and reserved to fund budgets in the later years of the five-year plan.

Inevitable with a plan like this is the funding cliff that occurs when the override stabilization funds are exhausted and additional overrides become needed to sustain services. The town faced just this situation when planning for FY2012. The available free cash at the time was at a ten-year low point

(\$770,498 compared to the ten-year average of \$3.3 million) due, in part, to a \$1.5 million appropriation deficit in the school department in FY2010. The town's unions had yet to agree to move to the state's Group Insurance Commission (GIC) and substantial investment losses in the override stabilization fund, primarily during FY2009, were cause for concern. Notwithstanding these questions regarding the town's financial management, Arlington voters approved another \$6.49 million override for FY2012.

In spite of the revenue constraints and the structural imbalance inherent in the town's multi-year budget plan, Arlington has earned a AAA bond rating from Standard and Poor's (S&P's). The agency's highest rating indicates an extremely strong capacity to meet debt obligations based on the town's proximity to the Boston area's deep and diverse economy, strong income and property wealth indicators, and a relatively low debt burden. However, S&P rated the town's financial management as "good" rather than "strong," indicating that financial practices exist in most areas, but they may not be formalized or regularly monitored.

In our assessment of the town's financial management, we were impressed that engaged and experienced finance and capital planning committees, working with the town manager and selectmen, have put together strong multi-year financial and capital plans. Issues persist in other areas though. In the FY2010 audit, Powers and Sullivan cited the recent deficit in the school budget as a "material weakness" in controls where a possible misstatement to financial statements would not be prevented, detected or corrected. A subsequent FY2011 debt service deficit (\$239,083) and prior investment losses raised additional questions as to the adequacy of the town's procedures for monitoring fiscal performance, detecting problems and taking prompt corrective action.

A government structure where town finance officers operate independently does not foster an environment conducive to strong financial management. Lack of accountability to a full-time manager leads to fragmented fiscal operations, works against the implementation of regular, formal practices and inhibits an overall team approach to finance. Since many financial management operations cut across departments, they are most effective when managed in a centralized, coordinated structure.

Through informal means, the manager and deputy manager have attempted to play a coordinating role with town finance departments, but the reality is that cooperation is voluntary and none of these officials can be held truly accountable by the manager. Although cooperation among finance officers has historically been fairly good, we firmly believe that accountability is essential to any successful team. So if Arlington wants to raise its financial management to the "strong" level, the obvious question that the town must address is: who is in charge of financial management in general and, in particular, who is responsible for insuring that consistent, effective control and monitoring practices are in place across departments? The short answer now is that there is no one officer or board vested with the formal authority to fulfill this responsibility.

## Conclusion

Many other Massachusetts communities have moved to a government structure that places financial management responsibility firmly with the town manager or administrator. Arlington has resisted the clear trend among Massachusetts communities, and particularly among comparably-sized communities with AAA bond ratings (see Appendix 1), to create a consolidated finance department with financial positions accountable to an administrator or finance director. Loyalty to and respect for long-serving officials in these offices may color local opinion, but in the harsh environment of revenue constraints and constant spending pressure, we believe that a coordinated and accountable financial management structure is long overdue in Arlington.

Opportunities exist, as well, to create a more effective and efficient operation with a merger of the school and town finance offices. It is our strong recommendation, however, that before the town considers this consolidation, it should restructure the town financial offices to create a consolidated department accountable to the town manager. At the same time, the town and school department, through the manager and school superintendent, should work together to resolve some of the outstanding issues with previous service mergers such as information technology, payroll and facilities. Sincere efforts to resolve these issues through regular, open channels of communication are important to repairing strained relationships and earning the level of trust and goodwill required for a successful merger.

In the body of the report that follows, we discuss the town's current organizational structure as it relates to financial management, as this structure impacts whether a consolidated municipal and school finance operation is feasible or not. We then document purchasing and payroll procedures and the roles and responsibilities of key town finance staff and the school business office staff. Though the town manager has no direct oversight of the town's finance offices, we also sought to understand the extent of the manager's role in coordinating financial management and drafting an initial budget document. We examined precedents for joint town and school services, as well, as often this track record is the best predictor of the success of future cooperative endeavors. Finally, we reviewed recent issues with town finance and discuss whether a stronger structure may have prevented them.

### **Who is Responsible for Financial Management in Arlington?**

Appointed by the selectmen, the town manager supervises and directs the administration of most town departments, boards and commissions, including the police, fire and public works departments. Notable exceptions to this management authority include the core financial offices of the comptroller, treasurer/collector and assessors. The treasurer/collector is independently elected, the comptroller is appointed by the selectmen and the director of assessing is appointed by the elected board of assessors. Staff in the selectmen's office also is not subject to the manager's oversight. Surprisingly, despite a strong town manager's position that provides direction to and coordinates the efforts of most departments, the key financial management departments operate with no central oversight and, in many respects, are as decentralized as any small town in Massachusetts.

Lacking a cohesive financial structure and formal oversight from the town manager, Arlington has compensated in other ways. Since the town manager's budget authority extended only to those departments under his control, the finance committee has maintained a powerful role in developing a complete, balanced budget. In what is a somewhat disjointed process, budget submissions reside on numerous individual computers and formats vary, requiring extra work of the finance committee. The manager's office must, through informal means, devote a considerable amount of time to developing budget estimates, monitoring the process and otherwise coordinating finance-related activity.

Though the current town manager has made an effort to prepare a comprehensive budget document, including estimates for those departments that do not report to him, this effort has been relatively recent. A home rule amendment, passed by the legislature in December of 2011, empowers the manager to receive all departmental budget requests and prepare a comprehensive and balanced budget for delivery to the selectmen and finance committee. While we believe that this represents a step in the right direction, the town's finance officers will continue to operate independently. Consequently, there is no single officer, board or committee vested with the responsibility to oversee and coordinate financial management.



## **How are Financial Transactions Handled by the Town Finance Offices?**

### Comptroller's Office

The comptroller's office has a legal obligation to oversee all financial activity of the municipality. Through the maintenance of independent records and by following well-defined procedures, the office documents the flow of money into and out of municipal accounts, and plays a role in the system of checks and balances established by state statute to monitor and protect local assets. To fulfill this responsibility, the office prepares payroll and vendor warrants to be signed by the comptroller and manager; maintains a general ledger where receipts, expenditures and all other town financial activity are recorded; and, reconciles cash, receivables and debt with the treasurer/collector monthly. In addition, the comptroller tracks revenue and expenditures, and is typically involved in the annual budget process.

Among required submissions to the Department of Revenue, the comptroller is responsible for producing the town's annual Schedule A and year-end balance sheet for free cash certification. Finally, the comptroller works with the board of assessors and town clerk in the preparation of the tax recapitulation sheet. In what is likely a remnant from an earlier era, the office is responsible for the town-wide telephone system and operators as well. Until as recently as 2007, the office also was responsible for information technology.

As stipulated in the Arlington Town Manager Act, the comptroller is appointed by, and may be removed by, the board of selectmen. Office staffing consists of the comptroller, an assistant comptroller, a part-time administrative assistant, a junior accountant and a principal account clerk/bookkeeper. The office is physically located apart from town hall in the basement of Arlington High School.

The MUNIS purchasing system is used by town-side departments to initiate purchase requisitions electronically that are subsequently reviewed by the comptroller's office, forwarded to the purchasing department to ensure compliance with purchasing procedures and then sent back to the comptroller's office to encumber funding and issue the purchase order in the MUNIS system. In contrast, school side purchase orders are initiated using hardcopy forms submitted by the various schools or cost centers to the school business office. There, they are centrally entered by the school business staff, reviewed and signed by the chief financial officer, then approved by the comptroller's office with funding encumbered in the accounting system (See purchasing flow chart in Appendix 2).

There are approximately 500 town-side employees and all are paid weekly with the exception of fire department personnel that are paid bi-weekly. The process is initiated at the department level using the MUNIS payroll system, entries are reviewed by the town's consolidated payroll department that is physically located in the school department and then forwarded to the comptroller's office for review

and sign-off. Accrued employee leave balances are automatically checked and the system flags instances where leave may exceed available balances. The warrant is run, signed by the comptroller and town manager and checks are printed in the IT department (See payroll flow chart in Appendix 3).

With some exceptions, the school payroll is processed bi-weekly and involves upward of 750 checks. Absences are reported manually and hardcopy exception data is sent to each individual school building and cost center. Each school/cost center then prepares payroll sheets on an exception basis and submits them to the payroll office where the information is entered into the MUNIS payroll system. School payroll is signed off by the superintendent and school committee, then forwarded to the comptroller and manager for signatures. Checks are printed by the IT department where the treasurer's signature cartridge is used to electronically sign checks.

Treasurer's receipts are reported to the comptroller on a daily basis. Although these receipts have already been date entered into the treasurer's software, this is a separate program and these receipts must be manually re-keyed into the comptroller's MUNIS general ledger software.

#### Treasurer/Collector's Office

The treasurer functions as the town's cash manager and has custody of all municipal funds. Included is the responsibility to post and deposit town receipts into appropriate bank accounts, and to monitor balances to ensure that sufficient funds are available to cover obligations. The treasurer invests town funds and manages debt to maximize investment income and to meet cash flow needs. The treasurer maintains a cashbook, debt schedule, check registers and various logs to track balances for trusts, revolving funds and special revenue funds. As a financial control, the treasurer is obligated to reconcile cash balances and debt, both internally, and with the comptroller on a regular basis. The treasurer also maintains tax title accounts and prepares documents to petition for foreclosure.

A collector possesses the authority to receive all payments due including property taxes, excises, betterments and certain other charges. The collector has the responsibility to make certain that collections are properly counted, posted to taxpayer accounts, and turned-over. The collector pursues delinquent accounts and then moves them into tax title accounts. To be successful, the collector must maintain an up-to-date receivable control that is reconciled with the comptroller monthly. They should run credit reports as appropriate and complete necessary research to confirm when refunds are due. In accordance with state law, the collector is required to respond to requests for municipal lien certificates.

The treasurer/collector in Arlington is an elected position, with the incumbent serving since his election in the spring of 2006. The assistant treasurer's position is currently vacant, though the treasurer has created a management analyst's position to bolster the analytical capacity of the office. There are four other staff on the collection side and another four on the treasury side of the office. The

office uses home grown software packages called the Integrated Collection System (ICS) for collections and the Cash Management System (CMS) for recording cash receipts and tracking balances. These systems are not integrated with MUNIS and require duplicative data entry in the comptroller's office.

The office boasts high collection rates for property taxes, motor vehicle excise and water and sewer receipts. Most property tax collections are received from various mortgage escrow services (about 41 percent) and the town's lock box service (about 27 percent) and uploaded to the ICS system. The remaining bills are paid at the counter, put in the drop-box at town hall, paid using the taxpayer's on-line banking services or processed through the town's web-based payment system. The town's web-based system is used by only about 200 customers and a considerable amount of business is conducted at the office counter. The treasurer is working with the IT department to explore improvements such as accepting credit card payments and initiating e-billing.

Historically, these high tax collection rates have been achieved by the prompt issuance of demand notices shortly after the payment due date and the inclusion of a letter with a payment deadline to avoid advertisement for tax taking. About two weeks later, direct phone calls are placed to delinquent payers that have yet to respond. After a notice of taking is advertised in the paper, a second letter is then sent advising the taxpayer of deadlines to avoid the actual filing of a tax lien with the Registry of Deeds.

### Assessors' Office

The assessors' office is responsible for valuing all the town's real and personal property, assigning tax payments to owners, and generating the commitments authorizing the collector to collect real estate, personal property and motor vehicle excise payments. To ensure that residents are taxed equitably and accurately, an assessing office maintains and updates property records with information received in response to mailings, from deeds and through the on-site inspection of sale properties and properties where a building permit has been issued. Additional information is gathered during an on-going property measure and list program.

Upon resident application, assessors act on and track exemptions and abatements. They estimate new growth and provide information for the tax classification hearings. The assessors recommend the annual overlay and provide levy information for use in the Tax Recap Sheet submitted to DOR for setting the tax rate. The office is required by DOR to document an annual property value adjustment analysis and to prepare for state certification of property values every three years; FY2010 was the latest recertification year.

A three-member, elected board of assessors is responsible for the office and hires a director of assessing to manage the day-to-day operations of the office. The director of assessing began in

September of 2011, but has substantial previous experience in the field. The office also is staffed by an assistant assessor who conducts property inspections and by two administrative assistants who are relatively new to the office. The office uses the Patriot Properties computer assisted mass appraisal system and relies on the firm for assistance in completing cyclical inspections, assistance with triennial revaluations and review of land schedules, cost tables and commercial property values. The last cyclical inspection was completed in FY2008.

Historically, the annual tax rate setting process has been managed through the assessing office. The comptroller has provided input with respect to appropriations and the use of available funds, while the treasurer has provided estimates for local receipts. The town manager's office has had little direct involvement in this process.

## **Conclusion**

Although the town's finance offices perform their individual functions well in most respects, they operate without direct oversight to ensure coordinated and efficient operations across departments. Staffing levels appeared uneven across departments and we found some procedures were manual or labor intensive. Given the complexity of municipal finance today and the ongoing budgetary pressures facing Arlington, we believe that the current organizational structure with independent finance officers is outdated and no longer sufficient to meet the town's needs. We also believe that this structure has likely contributed to the complexity around the town's budget and the resulting lack of transparency in financial reporting. In the recommendations section of the report that follows, we will present our thoughts on how the town should restructure its financial offices.

## **How does the School Department Process Financial Transactions?**

The school department has its own business office responsible for all administrative and advisory work relative to the business operations of the department. Specifically, the business office oversees the school department's budget development, financial planning, purchasing, budget monitoring and accounting. Responsibility for reporting financial information to the Department of Elementary and Secondary Education (DESE) also rests with this office. Transportation and food services are overseen by other school department administrators and do not fall under the business office.

The school business office is managed by the chief financial officer and includes a budget analyst, procurement officer, accounts payable clerk, and an accounts receivable clerk. An administrative assistant's position was vacant at the time of our field visits, but was in the process of being filled. The chief financial officer is a certified public purchasing officer and is certified as a school business manager by DESE. Her current role is her first as a school business manager. Over the past ten years, there has been much turnover in the chief financial officer's position with five different individuals serving in this capacity.

Since her arrival in September of 2009, the chief financial officer has completed a revision of the district's chart of accounts to make it more compatible with the DESE reporting requirements. We understand that this is the third chart of accounts used by the school department in the last several years. She has revamped the monthly financial reporting system for revenues and expenditures to reflect the new account structure and to include projections to year-end. The chief financial officer also has instituted a position control system where all district positions, regardless of funding source, are listed and assigned a position number with projected salary costs for the year. She has further committed to re-emphasize purchasing controls through the development of a thorough, written manual of purchasing procedures.

The budget analyst is a long-serving member of the school business office who possesses a great deal of institutional knowledge about the Arlington Public Schools. She is responsible for entering state and federal grants into the MUNIS system, setting up the school department approved budget in MUNIS, preparing periodic reports to granting agencies and reviewing budgets during the year. She also has been largely responsible for the preparation of the year-end pupil and financial report to the DESE. A significant amount of her time (as much as three hours a day) is devoted to the process of interviewing potential substitutes, receiving calls every morning from staff reporting absences and calling substitutes to fill-in.

To execute school department purchases, the accounts payable clerk and the procurement officer use the well-documented, written purchasing procedures prepared by the chief financial officer. The purchasing process is initiated at the school building level when principals or their assistants prepare a manual purchase order form. The form documents the desired goods or services and contains fields

for entering estimated costs as well as any expected shipping and handling charges. After the chief financial officer signs off on the purchase order, the procurement officer enters the purchase order into MUNIS and orders the goods or services from the appropriate vendor. The signed receiving copy of the form is sent to the person making the request. Once the goods or services are received, the requestor signs, dates and returns the receiving copy. Receiving documents are compared to the original purchase order and invoices are processed for payment. Vendor invoices are copied by the business office so that the comptroller on the town side receives original invoices and the business office retains a copy as well (See purchasing flow chart in Appendix 2).

All school payroll changes are authorized by the superintendent, and signed-off by the chief financial officer and the human resources officer, before they are entered into MUNIS. The budget analyst prepares manual daily reports on employee absences and sends them to the appropriate school or cost center. Biweekly, payroll sheets are generated and electronically distributed to departments. Each department enters exceptions on the payroll sheet (noting the reason for an absence and if a substitute filled in), the department head signs it and it is returned to the payroll office. The reports are reviewed by the payroll clerk and the exceptions are keyed into MUNIS. Once entered, the payroll clerk runs a detailed report, proves to the prior pay period's base earnings data, and balances the gross wages, deductions and withholdings reports. The payroll is approved by the superintendent and the school committee before it is sent to the comptroller (See payroll flow chart in Appendix 3).

## **Conclusion**

On the school side, improvements to financial controls and reporting have been put into place by the chief financial officer since the deficit in FY2010. However, resources and systems remain somewhat fragile and staff is stretched thin at times. Over time, tight budgets have caused resources to be focused on direct educational services at the expense of administrative capacity across the department. In part, lack of administrative capacity at the building/cost center level is cited as the reason the business office has not moved ahead with MASBO's recommendations to decentralize processing of purchasing and payroll. Recently, communication between the school department and lead finance officials and committees on the town-side has been strained.

## **Do Previous Collaborative Efforts Point to Future Success?**

There are precedents to the town and school working cooperatively to jointly provide services. These relationships are in place in several significant service areas including information technology, payroll, and facilities and maintenance. Other efforts are underway in the area of human resources where the town has provided funding in FY2012 for half of a human resources position in the school department. Previously, the school department has not had access to professional human resources staff. Recently enacted legislation establishes a human resources department that will be made available to the school department provided the school committee agrees to this as required by MGL Ch. 71, Section 37M.

A town meeting vote in 2007 provided the impetus to consolidate the information technology function. The joint technology department is located in the high school and serves both town and school technology needs. The office is directed by a chief technology officer and is staffed by four employees who work primarily on town side technology issues and five employees who work on the school side. The town side employees are unionized while the school technology staff is not. The chief technology officer is a non-union, town employee, but reports jointly to both the school superintendent and town manager. About half of the department budget is appropriated on the town side and the other half is included in the school budget. Equity issues have arisen regarding position classification, salaries and union representation in this recently formed department.

The town and school payroll operations were merged approximately eight years ago. The department is physically located in the high school and the payroll director reports jointly to the school superintendent and treasurer. The entire payroll department budget is funded in the school budget. The payroll director manages the office and is assisted by a staff of 4.5 payroll clerks. Town side departments submit their payroll data electronically through the MUNIS system. Leave balances are maintained in MUNIS so that the system can flag instances where an employee attempts to use leave in excess of the available balance.

On the school side, hardcopy time sheets are sent from payroll to each school or cost center. Once payroll is compiled, it is proofed and a warrant is prepared for signatures. The school committee chair pre-signs blank school payroll warrants, effectively foregoing critical review and sign-off by the committee. Nonetheless, the department has been successful and payroll processing is more cost efficient than it was prior to the merger.

The facilities and maintenance department is included in the school budget and serves both town and school departments. The facilities director reports to the school superintendent and the school department “grey bills” the town for any work provided to town facilities. Employees reportedly belong to the DPW labor union.

## **Conclusion**

Though most town and school officials we interviewed seemed to believe that these collaborative arrangements were working, in some cases additional work remains to address lingering issues. For example, the uniformity of position classifications, salaries and union representation in the information technology department should be addressed. The payroll department and facilities department are budgeted entirely in the school department budget despite the fact that they provide regular services to town departments. This distorts spending for purposes of compliance with state net school spending requirements and results in overstatement of school expenditures to DESE. Moving ahead with a good-faith, constructive effort to resolve these outstanding issues will provide a firmer foundation for a future consolidation of town and school finance operations.



## **Has the Existing Governmental Structure Impacted Financial Management?**

In its 2011 report to town meeting, the finance committee supported a request to the town manager to study the implementation of a consolidated town and school finance department. In recommending favorable action on this article, the committee pointed to the “current fragmentation of financial management functions” and linked the existing structure to unnecessary duplication of effort. The report further describes a budget process that suffers from “obscurity and complexity” and financial reporting that lacks consistency and transparency. In the section that follows, we will describe our observations in reviewing some of the recent fiscal issues that have arisen in Arlington in the context of this structure.

- The town’s budget is difficult to follow and includes numerous “offsets” that effectively reduce appropriations in many different line-items. These offsets typically represent costs that are funded by the town’s enterprise funds. The use of offsets in the budget is not consistent with current enterprise fund budgeting procedures and detracts from a transparent budget document where departments are fully funded.
- The use of these offsets has added unnecessary complexity to the town’s budget, general ledger and financial reporting; and was likely a contributing factor in an error that occurred in the setting of the FY11 tax rate. The comptroller’s staff entered an incorrect offset figure for the skating rink which lowered the debt service appropriation and resulted in an appropriation deficit of \$239,083.
- Departmental budget requests are not prepared using the MUNIS budget module, but reside on various individual computers and are transmitted to the finance committee in different formats. Consistent line-items are not always used, bottom lines sometimes do not match and it is difficult to compare requests to prior year actual spending. Complications arise in tracking budget changes as the deliberation process evolves and assumptions are adjusted.
- A disjointed budget process has likely contributed to financial reporting that is convoluted and difficult for interested officials and citizens to follow. Monthly MUNIS reports sent to department heads are lengthy (135 pages) and, though adequate for an individual department, are not ideal for overall budget monitoring or public distribution. One-page quarterly reports are somewhat useful from this perspective, but are produced less frequently and do not include school spending.
- Tax rate setting, a process that establishes important annual financial benchmarks, is handled almost exclusively by the elected assessors and comptroller, with no meaningful role for the town manager’s office. This creates a situation where the financial policies reflected on the

tax rate recapitulation sheet may not coincide with the town's initial financial plan developed by the manager and finance committee.

- Financial information entered in the treasurer/collector's office must be re-keyed in the comptroller's office due to the lack of integrated software. While bridge programs could be developed to automate the transfer, this has not occurred.
- The treasurer/collector's office invested proceeds from property tax overrides that were set aside in a special purpose stabilization fund in risky investments at State Street Bank. During FY2009, these investments experienced a net loss of about \$500,000 in principal, after the Attorney General's office recovered about \$230,000 from State Street for failing to fully disclose the risky nature of these investments.
- The fact that property tax revenue was the original source of the funds and that these funds would be needed over a short-term time horizon, argues strongly for an investment strategy where there is no tolerance for risk and where the funds are highly liquid and available for use in the upcoming budget year.
- The town manager's office must spend a considerable amount of time attempting to coordinate finances, including school finance issues, through informal means. Nonetheless, the independence of the finance offices has contributed to uneven staffing levels across departments, the use of labor-intensive practices in some areas and has, at times, resulted in inconsistent participation in fiscal planning efforts.
- The FY2010 school department budget deficit of \$1.525 million was set into motion by overly aggressive and flawed revenue estimates, depleted special revenue fund balances and a lack of control over salary expenditures.
- Other practices such as the school department initially charging all costs to the general fund appropriation and making adjustments at year-end made it very difficult for the comptroller to detect school budget problems during the fiscal year. Procedures associated with the long-standing practice of encumbering the entire remaining balance in the school budget at year-end also compromised the town's ability to detect deficits.

In many respects, municipal finance today revolves around the timely, accurate handling of extensive amounts of financial data that travels among finance offices. Assessments, for example, are based on numerous property characteristics and these, in turn, drive assessments and tax bill calculations. The treasurer/collector issues tax bills based on these assessments and receives, deposits and tracks payments. Receipts are turned over to the comptroller to be recorded in the town's financial

statements. Payroll and payables information flows from departments to payroll, purchasing and the comptroller's office.

Given the volume of data involved, it is not realistic to think that mistakes can be eliminated entirely, even in communities with the strongest financial management. The challenge, then, is to develop systems that emphasize a higher level review of transactions so that financial risks are regularly evaluated and significant weaknesses are eliminated.

Over time, we have found that a strong financial team is a proven vehicle to address issues that cut across financial departments. Ideally, the financial team is led by the town manager who is in the best position to set goals and objectives from a town-wide perspective. Accountability to the manager is essential, as well, to ensure that all team members are working toward town-wide goals rather than pursuing individual agendas. Below we list some of the areas where a financial team structure may be beneficial:

- Determine integrated approaches to financial software and data handling that are in the best interests of the town as a whole;
- Create uniform procedures for all town departments regarding the receipt, control, recording and turnover of municipal receipts;
- Ensure that regular reconciliations of cash, receivables, debt and overlay are conducted by finance officers;
- Estimate revenues and fixed costs for budgeting and implement consistent procedures and transparent formats for budget submissions, accounting records and financial reporting;
- Coordinate critical financial operations such as issuing tax bills and setting the tax rate;
- Develop financial strategies, evaluate long-term contractual obligations and prepare cost-benefit analyses for the manager and policy-makers;
- Recommend financial policies in areas such as reserve balances and usage, investments, and debt to the selectmen and finance committee; and
- Assess financial risk regularly to determine areas of weakness, and develop procedures and implement solutions around management letter recommendations of the independent auditor.

## Conclusion

The town and school department have since instituted procedures to address many, though not all, of the issues that were root causes of the school deficit and other fiscal issues. While there is no guarantee that the stronger finance structure suggested above would have prevented these issues, we believe that it would have substantially lowered the risk. For example, a broader vetting of the school department revenue assumptions may have revealed the fundamental flaw in using projected "savings" as revenue and prompted early budget revisions to avoid a deficit. Similarly, additional input on

investment strategies may have generated consensus that the town could not afford any risk of principal loss in stabilization accounts funded by property tax override. A team approach to tax rate setting may have detected the keying error that created the debt service deficit as well.

### **Does the Selection Method for Finance Officers Influence Checks and Balances?**

In a good system of checks and balances, procedures must be regularly reviewed to determine whether they continue to be effective, both from the perspective of ensuring that state laws are followed and financial transactions are accurately recorded and reflected in the town's financial statements.

Assessments must be made regarding what constitutes an appropriate level of oversight, control or redundancy for an activity when measured against the level of risk posed by the probability of possible problems in that area.

Proper checks and balances in municipal government arise from strict adherence to general law requirements, careful construction and uniform implementation of internal control procedures and regular independent audits. For example, Massachusetts general laws establish requirements that municipal accounting officers review all potential expenditures. This review is intended to insure that the expenditures are legal, comply with the terms of any contractual or grant agreement, and will not result in an appropriation deficit. Requirements that the accounting officer receive all contracts and grant agreements are designed to support this review.

In other instances, the general laws require that departments receiving cash deliver independent, concurrent turnover reports to both the comptroller and treasurer. When the treasurer later reports all receipts that have been received and deposited in town bank accounts to the comptroller, the comptroller can compare the originating department's turnover to the treasurer's turnover to make sure that funds reported match and have been deposited in the treasurer's bank account. Regular, monthly reconciliations of cash balances between the comptroller and treasurer/collector provide assurance that all reported revenues have been accurately captured in the accounting records. The regular distribution of monthly budget to actual revenue and expenditure reports to departments and policy-makers serves as an additional safeguard.

Internal control procedures encompass all of the above examples, but extend even further to include more specific areas of government fiscal operations. Procedures around the preparation and sign-off of employee time sheets, tracking of leave balances and the use and approval of overtime pay are examples of areas where consistent, documented internal control procedures are of benefit.

Thoughtful procedures are important in the receipt of municipal funds as well. There should be uniform control policies for departments receiving payments, particularly if those payments are in the form of cash. The use of cash registers, sequentially numbered permits, licenses or tickets to create an audit trail for non-committed receipts, and minimizing the number of departments that collect

payments are other examples. For property tax receipts, the prompt posting of payments, timely issuance of demand notices (preferably by someone not directly involved with the collection/posting process) and regular procedures to move delinquent accounts into tax title create strong controls around tax collections.

Other safeguards in the general laws afford protection to municipal employees that disclose, or threaten to disclose, an activity, policy or practice of their employer that the employee believes is in violation of the law. The Massachusetts Whistleblowers Act (Chapter 149, Section 185) protects employees from retaliatory action by their employer when employee reasonably believes that a violation of the law has occurred. These concerns can be directed in writing to the employee's supervisor or reported directly to a public body such as the board of selectmen. If the employee is reasonably certain that the supervisor is aware of, or may be party to, the violation of law, then the employee can provide the information or testify directly before the selectmen.

An additional layer of oversight in the system of checks and balances is provided through regular annual audits by an independent, qualified auditor. The auditors render an opinion on whether or not the town's financial statements are fairly presented. To do this, they test various transactions, review accounting entries and examine financial procedures in an effort to ascertain whether the town's financial statements are accurate depictions of the community's true fiscal condition. The management letter issued as part of the audit notes areas where procedures could be improved or risk could be mitigated. Careful review of the management letter findings, together with prompt management response to any deficiencies or problems, serves to enhance a community's system of controls and checks and balances.

Not to be overlooked in a system of good controls is the human element, or employment culture, that exists for those charged with carrying out the control procedures. It is important that communities establish a strong employment culture that emphasizes professionalism, honesty, and integrity. When hiring and promotions are based strictly on merit and emphasis is placed on accountability, ethical behavior and diligence in the conduct of town business, a strong employment culture emerges.

## **Conclusion**

Though some officials we interviewed expressed concern that the appointment of the town's financial officers would compromise the town's system of checks and balances, we believe that the appointment of financial officers can create opportunities to enhance internal controls, rather than compromise them. We believe that with central oversight and management of the finance departments, the town can move forward in terms of standardizing internal control procedures, evaluating risks across all finance related departments and others departments receiving or spending town funds.

## **Is the School/Town Finance Consolidation Feasible and Cost Effective?**

Though the barriers are probably more political than technical, there are relatively few precedents for a school and town finance merger in Massachusetts. One community where a combined finance department has been implemented successfully is Barnstable.

The Barnstable schools have a total enrollment of about 5,400 pupils and a FY2010 general fund budget of approximately \$58 million. In Barnstable, the foundation enrollment (5,381) represents a fairly low 11.9 percent of total population (45,193). By comparison, total enrollments in Arlington are similarly low relative to total population, with FY2012 foundation enrollment (4,713) constituting 11 percent of the town's total population (42,844). Of particular note, foundation enrollment in Barnstable has declined by 21 percent or 1,446 pupils between FY2003 and FY2012 while, in Arlington, the enrollment has increased by 543 pupils or 13 percent over the same period.

The government structure in Barnstable is quite different from the form of government in Arlington. Barnstable has adopted a town manager/town council form of government where the town manager serves as the town's chief executive and administrative officer and a 13-member town council serves as the legislative body. In Arlington, the selectmen act as the executive branch of government, the town manager handles administrative duties and a representative town meeting of 252 member serves as the legislative body.

According to Barnstable's finance director, essential ingredients to a successful consolidation include unequivocal support from elected and administrative town and school officials, mutual trust between municipal and school leadership and a formal agreement to share revenues. Similar to Arlington, Barnstable uses a budget allocation model designed to divide available revenue among fixed costs and departmental budgets.

In Barnstable, the finance director oversees all finance department operations and plays a lead role in budget development and financial analysis. The finance director reports directly to the town manager. The school department has a dedicated person, the assistant finance director, who focuses solely on school finance, prepares the school budget and oversees all school accounting. She is a certified school business manager, but reports to the town's finance director.

Finance department policy is to present all financial information in an open, transparent manner, but to remain strictly neutral in budget or other conflicts that may arise between school and town officials or administrators. Town and school offices are physically located in the same building and the superintendent and town manager meet weekly with the finance director to foster good communication and working relationships.

Another contributing factor to the town's success cited by the finance director was decentralizing the processing of payroll and payables. Rather than have the accounting department key-in payroll and vendor payment information that is originally collected at the department, building or program level, this responsibility was shifted to each department, or building/program with the schools. Entering this data on a decentralized basis forced each department or program to take ownership of their data, freeing up the finance department to perform higher level audit functions rather than data entry.

In Arlington, opportunities exist for the town to save money if it can successfully reorganize town finance departments and then merge the school business office once this occurs. However, we believe that focusing on potential savings alone can distort the real mission at hand which is to improve the town's financial management structure so that there is direct, day-to-day accountability. Through this structure, a meaningful review of staffing and procedures across departments will emerge to make sure that the town is making the best use of available human and technological resources. Priorities can be established for automating procedures and labor-intensive practices can be systematically evaluated for technology-based solutions.

On the school side, automating the reporting of absence and substitute calling so there is an electronic interface with time and attendance will save valuable staff time in the business office and payroll department. Decentralizing the input of purchasing and payroll information into MUNIS also will save time in the business office, but will require the installation of additional terminals and an investment of time to train staff at the school level. With a merged finance office, redundant review of purchase orders, copying of vendor invoices and difficulty around reconciliation of budget and position control information should be minimized.

## **Conclusion**

While precedents exist for merged services in Arlington, it is clear from the Barnstable example that the town should not move ahead without the full support and trust of the school committee. Arlington's current management structure is not well suited to a merged department since finance officials act outside of the manager's purview. Independence in this regard works against an orderly, regular process to raise service concerns or complaints to ensure that school department needs are met. Attention should be focused first on reorganizing the town finance departments while, at the same time, the town manager and superintendent work to resolve some of the outstanding issues with previous service mergers. A move to a consolidated finance department will not be feasible until the town has created a stronger finance structure and the school committee and administrative staff has confidence that there is a proven means to solve outstanding issues and address future concerns.

## Recommendations

In the section that follows, we outline our recommendations to move forward with the restructuring of town and school finance operations. As mentioned earlier in the report, the initial thrust of town action should be to centralize financial management responsibilities under the town manager. We strongly believe that government finance is more complex and challenging than ever, and that municipalities like Arlington that have significant revenue constraints, can ill afford to have its finance officers operating autonomously. With the fifth largest population among Massachusetts towns and a total FY2012 budget of more than \$135 million, we find it surprising that Arlington has no formal means to coordinate complex financial operations that cross departments. This is not intended as a criticism of the performance of incumbent finance officials or the town manager, but rather speaks more broadly to the hurdles that the town's structure poses to coordinated and effective management.

1. We recommend that the town pursue an amendment to its "Town Manager Act" to create a consolidated finance department where appointed finance officers report to a finance director or the deputy town manager. Since the deputy town manager has historically played a significant role in town finance, this may be a natural role for this position. In other comparable communities such as Lexington and Needham, the assistant or deputy town managers serve as the finance director. In other communities such as Barnstable or Brookline, there is a separate finance director responsible for directing the consolidated department, but the director reports to the town administrator or manager. In Appendix 4, we summarize the financial structures of three comparable communities with AAA bond ratings (Needham, Lexington and Brookline) that we believe would serve as effective models for Arlington.
2. We recommend that the town convert the elected treasurer/collector's position to a position appointed by the manager. A clear trend has emerged among Massachusetts communities in favor of appointed positions for a number of compelling reasons. Most relate to ensuring that office holders possess the experience and qualifications for the position and to expanding the pool of potential candidates for the job. Often mentioned is the prevailing theory of government practice that policy makers should be elected, but operational positions, where a certain skill set is required, such as the accountant, assessor, collector and treasurer, etc., should be appointed. Some municipalities see value in placing all town hall positions on equal footing and subject to the same review structure.

Given the size and complexity of the town's budget, there is added value to delineating clear lines of authority and accountability around critical financial management functions. While Arlington is fortunate to have able department heads that care about the town and doing a good job, there is no guarantee that similarly qualified individuals will step forward when the incumbent resigns or chooses not to pursue reelection. To ease the transition to an appointed treasurer/collector, the



town could insert language in the special act to the effect that the incumbent treasurer will be appointed to the position for the first three-year term.

3. We recommend that the town make the director of assessing an appointment of the town manager. This change will require additional amendments to the town manager act. If the town chooses to retain an elected board of assessors, however, this arrangement can be awkward. Other towns have addressed this problem by creating a dual reporting relationship where the elected board provides the director with general direction, but the director receives direct, day-to-day supervision from the manager. In other cases, towns have established an appointment process where the assessors screen and check the credentials of potential applicants and recommend one or more choices to the manager.
4. We recommend that the town consider making the board of assessors appointed as well. Today, the role of the board of assessors is largely dictated by state law, computer assisted mass appraisal techniques and the procedural and reporting requirements enforced by the Department of Revenue. Even with regard to abatements and exemptions, the assessors have very little policy discretion. Abatements should be determined based on the relevant facts at hand and, if new information comes to light, new values should be determined using consistent mass appraisal methods to ensure equity when compared to similar properties. Strict statutory eligibility criteria also severely limit any discretion assessors may have in granting property tax exemptions. Only with the hardship exemption under MGL Ch. 59, Section 5, Clause 18, do the assessors have some discretion in determining eligibility. The assessors granted only two of these exemptions in FY2010.
5. We recommend that the comptroller be included in the consolidated finance department, but in order to preserve some independence for this critical position, that the position remain subject to appointment and removal by the selectmen. To realize the full benefit of this consolidation, however, it is important that the comptroller report directly to and be evaluated by the finance director or deputy town manager. We further suggest that the town evaluate possible ways to accommodate the comptroller's office in the town hall with the rest of the finance offices. Responsibility for the telephone system also should be moved to the information technology department.
6. We recommend that the town explore using the MUNIS budget module for departmental budget submissions and as a central database to store and track changes during the budget process. The current process involves numerous different spreadsheets stored on various personal computers that are often formatted or constructed differently making it difficult to manage the budget as assumptions change. A central database should mitigate these issues and allows for the approved budget to be loaded directly into the accounting records.

7. We recommend that the payroll and purchasing functions be included in the consolidated finance department. Although the current consolidated payroll department is performing well and by all accounts has been successful, payroll is a core finance function that belongs organizationally in the finance department. The purchasing department operates under the authority of the town manager's office and works closely with the comptroller's office in overseeing all town and large school purchases. We suggest that when the town drafts special legislation to amend the town manager act, that it consider including these functions in the finance department. Once the department is established and running well, these functions should be moved into the consolidated department.
8. While the town moves forward on the town-side restructuring of the finance offices, the town manager and school superintendent should work to address some of the outstanding issues with previous town-school consolidations. Though the issues are not insurmountable, working cooperatively to solve them will demonstrate the good faith necessary for a successful finance consolidation. Remaining issues include the different job classifications, salaries and union representation in the merged information technology department and the fact that the merged payroll and facilities department budgets are funded entirely in the school budget. The second issue warrants attention as these expenditures may artificially inflate school spending and should not be reported to DESE as net school spending eligible expenditures.

To address the above issues, and to establish a firm foundation for future collaboration, the town manager and school superintendent should commit to meet regularly. Establishing a clear process to air potential grievances or problems and formulate solutions is important to successful collaboration and ensuring that the needs of both parties are met. Success in this regard is important to ensure that the school committee is satisfied with existing shared services and that they are open to moving forward with a finance merger.

9. We recommend that the school department purchase and implement an automated system for recording school staff absences and hiring of substitutes. Currently, the school budget analyst spends as many as three hours per day to complete these tasks using a manual system. We don't believe that these responsibilities represent the best use of time for the second highest paid and longest serving person in the school business office. Many other school districts have moved to automated systems that allow school personnel to report an absence on-line, designate specific substitutes to be called to fill the absence and interface with the time and attendance records.
10. We recommend that the school administration work to improve the administrative capacity at the building or cost center level. Administrative resources available at the individual school building level have dwindled over time after years of tight budgets. Key people we interviewed felt that there was not sufficient administrative capability to implement the decentralized purchasing, payroll and budget monitoring processes recommended in the MASBO report. We advise that the

school administration initiate a program to enhance this capability through additional training, and perhaps even limited hiring, so that the district can move to the same decentralized processes used by town departments.

As a first step, the information technology department should install MUNIS terminals in each school building or cost center. Training on the use of requisite MUNIS modules should follow so that administrative staff can become familiar with how to initiate electronic purchase orders, input payroll data and monitor budgets in real time. Implementation need not be simultaneous, but can begin slowly by bringing on schools or cost centers where administrative staff has demonstrated the necessary proficiency. Others can be brought on later after additional training is provided.

11. We recommend that the town wait until the town finance departments reorganize and issues with other shared services are resolved before the town proceeds with the merger of school and town finance functions. As stated earlier, it is important that the town has a clear process and open channels of communication to raise and address any problems as they occur. We think that this is also an essential element to building good will and fostering the trust that is necessary for the school committee to agree to a merged financial operation as required by state law (MGL c.71, §37M).
12. In planning the merged department, we recommend that the superintendent and school committee have access to a dedicated staff member with the required school business manager certification. The school committee and superintendent rely on the chief financial officer or business manager in a number of important ways (see Appendix 5 for business manager responsibilities and licensure requirements) and this confidential, trusted relationship must be preserved in the merger. Barnstable handled this issue by establishing an assistant finance director's position devoted exclusively to school finance issues. We have included a proposed organizational chart that reflects these recommended changes on page 28.
13. We recommend that once the merged finance department is running smoothly that it conduct a complete review of the town's budget format, chart of accounts and financial reporting. Over time, the town's budget and, in turn, the underlying accounting and financial reporting, has become overly complex and difficult for interested officials and citizens to follow. We suggest a complete review of the level of detail that is necessary and appropriate for management purposes, as well as what is required for reporting to the state.
14. We recommend that the town and school work to develop a written agreement concerning the allocation of municipal costs eligible to be included as "net school spending." Development of this agreement can be a topic of discussion in meetings between the superintendent and manager.

15. We recommend that the school committee chair review and sign the school payroll warrant only after it has been completed and gross salary information by employee is available for review.

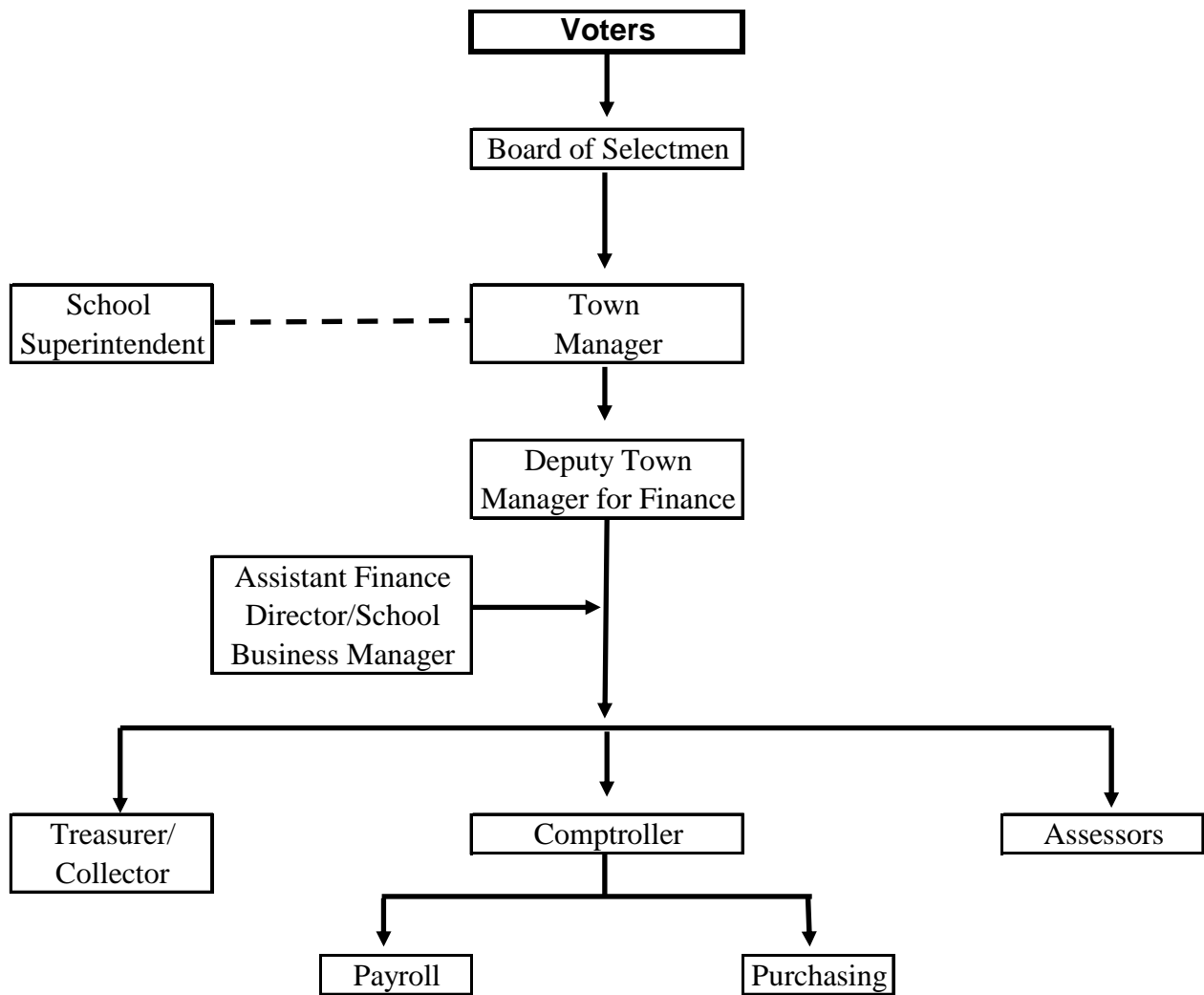
Though some may argue that the school committee review is superfluous after the superintendent has signed off on the payroll warrant, we believe that school committee review and sign-off on salary payments is an important, and legally required, financial control.

We suggest and summarize an implementation timeline on the next page. We assume in this timeline that the town manager and town counsel will draft proposed special act language to submit to the 2012 annual town meeting.

## Proposed Implementation Timeline

<b>Timeline</b>	<b>Recommended Action</b>
<b>Annual Town Meeting, Spring 2012</b>	<ul style="list-style-type: none"> <li>• Vote to submit special legislation to amend the “Arlington Town Manager Act” and establish a consolidated town finance department</li> <li>• Assuming favorable action, legislation is filed</li> </ul>
<b>July 1, 2012</b>	<ul style="list-style-type: none"> <li>• School department moves ahead with automated system to record/track absences, hire substitutes, and interface with payroll</li> <li>• School department moves forward to install MUNIS terminals, incrementally decentralize processing of payables and payroll, and train/hire administrative staff as necessary</li> <li>• Manager and superintendent meet regularly to address outstanding issues with previous merged services</li> </ul>
<b>Annual Town Election, Spring 2013</b>	<ul style="list-style-type: none"> <li>• Assuming prompt legislative approval of special act amendments, the legislation is presented to the voters for approval at the annual town election in the Spring of 2013</li> </ul>
<b>July 1, 2013</b>	<ul style="list-style-type: none"> <li>• Implement recommended changes to town finance departments</li> <li>• Fold payroll and purchasing into finance department on January 1<sup>st</sup> 2014, or later if necessary</li> </ul>
<b>July 1, 2014</b>	<ul style="list-style-type: none"> <li>• Merge school finance operation with consolidated town finance department</li> <li>• Work to standardize budget formats, simplify and streamline accounting records and create transparent financial reports</li> </ul>

## Organizational Chart After Proposed Changes



## Appendix 1

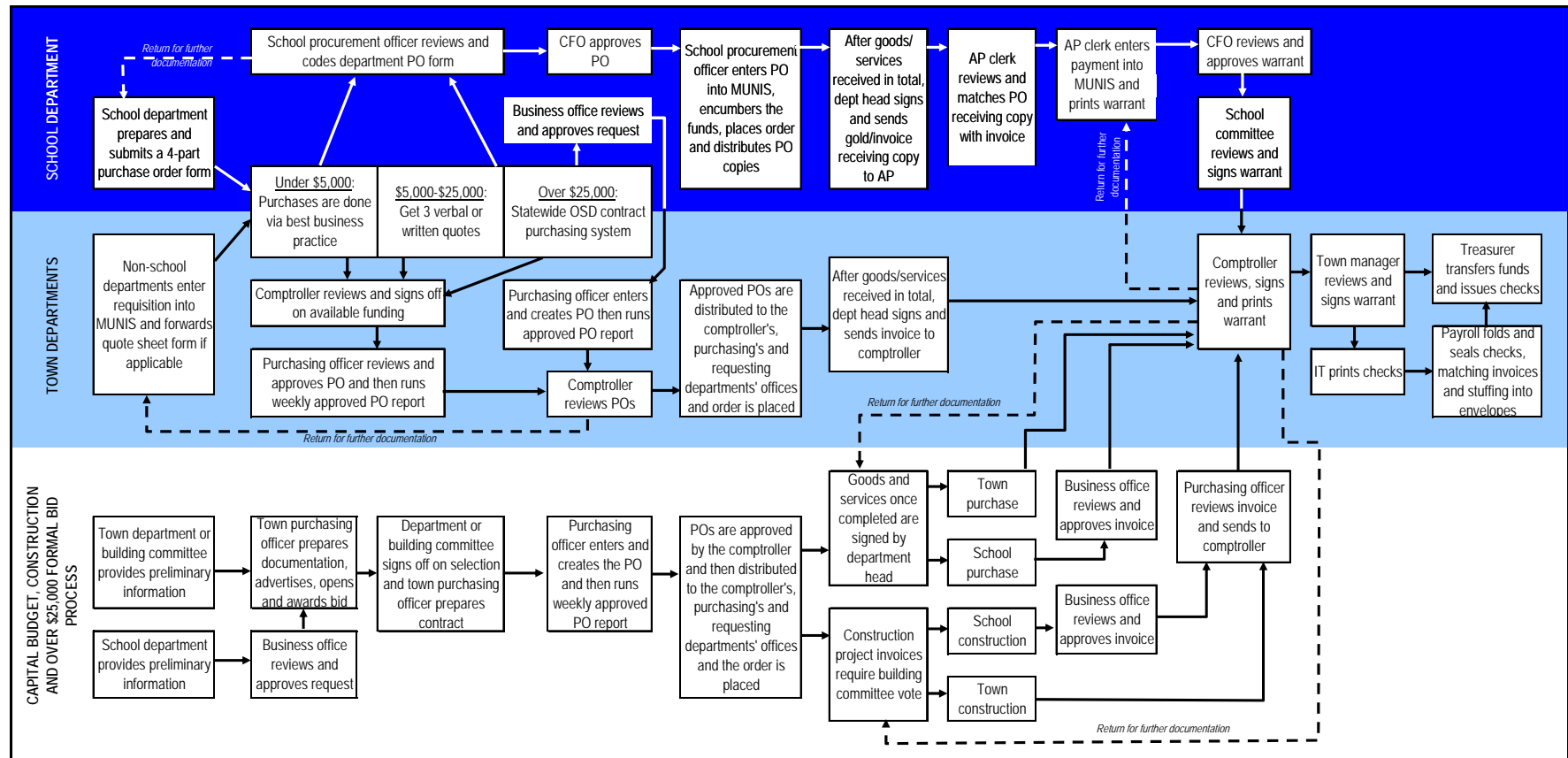
### Comparable Communities with AAA Bond Ratings (Populations between 20,000 and 80,000)

Municipality	2010 Population US Census	2008 DOR Income per capita	Population Density: per Square Mile	FY2010 Foundation Enrollment as percent of total Population	Total FY2010 General Fund Expenditures per Capita	Consolidated Town Finance Dept.	Residential Tax Levy per Capita as % Income per Capita	FY2011 State aid as Percent of Budget
WINCHESTER	21,374	81,121	3,539	18.35%	3,495.32	No	3.52%	8.36%
CANTON	21,561	45,677	1,139	13.97%	2,635.58	Yes	3.57%	7.63%
ACTON	21,924	55,111	1,098	10.86%	3,498.90	Yes	4.75%	8.80%
HINGHAM	22,157	70,314	986	17.15%	3,160.84	No	3.44%	10.90%
BELMONT	24,729	65,349	5,307	15.59%	2,816.68	No	3.93%	8.25%
WELLESLEY	27,982	138,406	2,749	17.58%	3,860.92	Yes	2.29%	6.73%
NEEDHAM	28,886	76,319	2,291	17.09%	3,514.37	Yes	3.26%	6.74%
LEXINGTON	31,394	77,120	1,914	19.42%	3,757.85	Yes	4.14%	4.60%
NATICK	33,006	46,870	2,189	14.66%	3,010.38	No	3.94%	9.81%
BARNSTABLE	45,193	29,104	753	12.35%	2,496.25	Yes	6.35%	8.36%
BROOKLINE	58,732	57,700	8,650	10.53%	3,241.71	Yes	3.92%	6.14%
ARLINGTON	42,844	43,637	8,271	10.67%	2,232.27	No	4.32%	12.67%
State Average	18,654	33,411	835	14.37%	2,681.49		4.04%	21.14%

Note: Includes communities rated either Aaa by Moody's or AAA by Standard and Poor's rating agencies

## Appendix 2

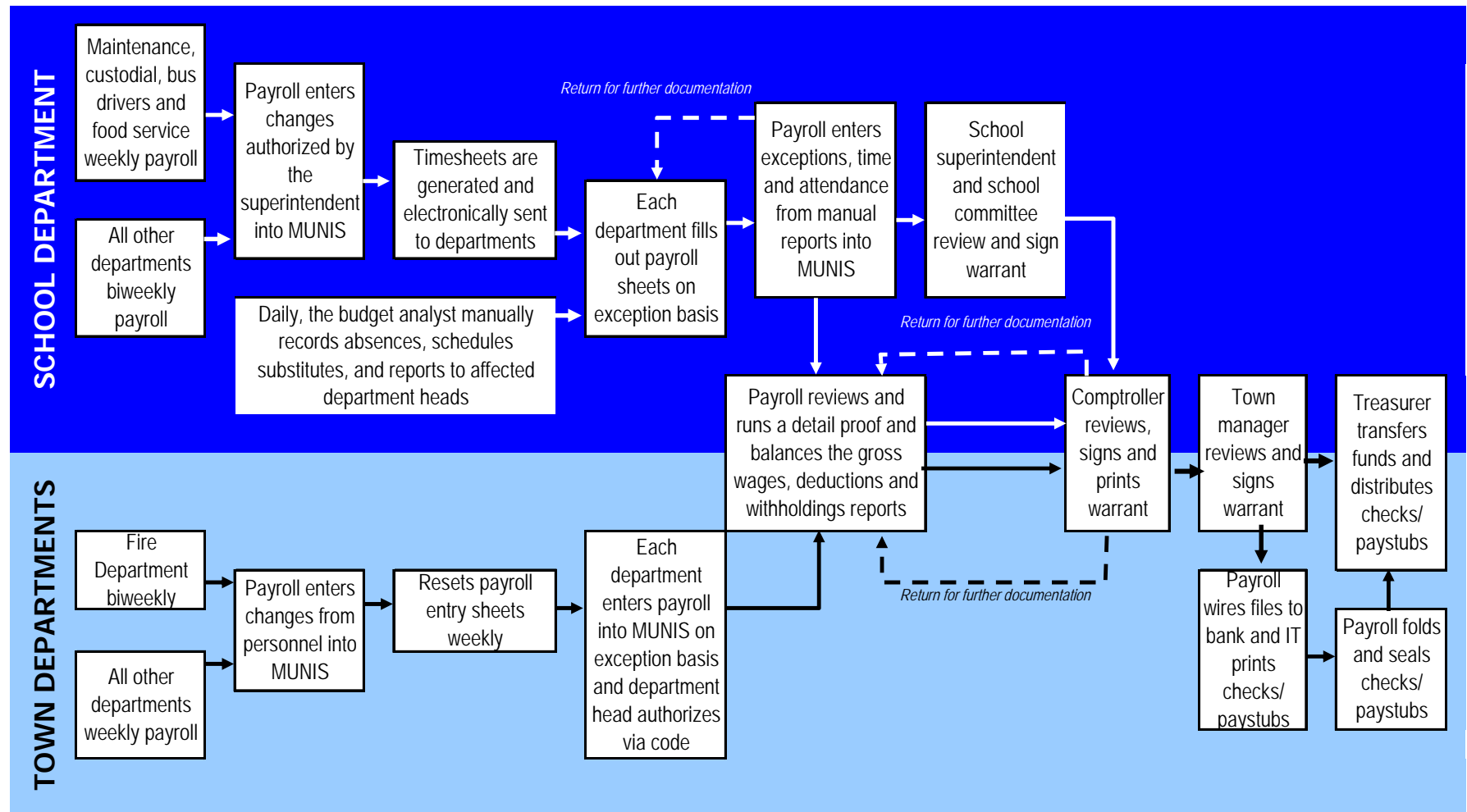
### Town and School Purchasing and Accounts Payable Procedures





## Appendix 3

### Town and School Payroll Procedures



## **Appendix 4 - Model Finance Department Structures**

### **Needham Charter – Chapter 176 of the Acts of 2004**

- Town manager appoints the assistant town manager/director of finance subject to the approval of the selectmen.
- Town manager appoints the town accountant, treasurer/tax collector and administrative assessor.
- Removal of assistant town manager/finance director subject to the approval of the selectmen and removal of administrative assessor requires consultation with board of assessors
- Three-member board of assessors are elected
- Representative town meeting of not more than 252 members

### **Lexington – Selectmen-Town Manager Act, Chapter 753 of the Acts of 1968**

- Town manager appoints a treasurer/collector and board of assessors;
- Director of assessing appointed by town manager
- Comptroller appointed by selectmen, after recommendation by town manager, and serves as assistant town manager for finance,
- assistant town manager for finance reports directly to the town manager
- In this capacity, assistant town manager for finance oversees accounting, collections, treasury and assessing.

### **Brookline – Town Administrator and Finance Director Acts, Chapter 270 of the Acts of 1985, Chapter 25 of the Acts of 1993 and Chapter 29**

- Consolidated finance department established in 1993, treasurer/collector position converted from elected to appointed
- Finance director appointed by the selectmen based on the recruitment efforts and recommendation of the town administrator.
- Finance director recommends appointment or removal of treasurer/collector, comptroller and chief assessor to the town administrator; selectmen make these appointments based on town administrator's recommendation.
- The chief assessor serves as chair of the board of assessors and other two assessors are appointed by the selectmen.

## **Appendix 5 - Responsibilities and Licensure Requirements for School Business Managers**

Among the most important responsibilities of the school business manager is to develop the school department budget, and take a leadership role to communicate the associated budget plans and impacts to the school committee, town officials and citizens. Often this involves presenting the budget during public hearings and advocating for the budget on behalf of the school superintendent and committee. The business manager also serves in a confidential and advisory role to the superintendent and school committee by preparing financial plans, analysis and recommendations to assist them with important policy decisions such as collective bargaining positions, the setting of user fees and the preparation of the annual budget.

Another primary responsibility of the business manager is to work with principals and program administrators to plan and design financial and accounting controls. Oversight of the day-to-day accounting related to the approximately \$48 million spent by the school department is essential to ensure that financial results are stated accurately, and that spending is consistent with the approved budget and the requirements of state law. This involves the review of all payroll and vendor payments prior to the warrants being approved by the school committee. The business manager also reviews all purchase orders, bid specifications and contracts. The business manager oversees the preparation of financial reports periodically for the committee and the state, including the End-of-Year Pupil and Financial report submitted to the Department of Elementary and Secondary Education (DESE).

Another issue is the DESE regulations that stipulate the licensure requirements for a certified school business administrator to oversee the district's finances. In a merged finance operation, regardless of who fulfills the school business manager responsibilities, DESE regulations call for the person responsible to be licensed as a school business administrator.

DESE's regulations (603 CMR 7.09) cover the prerequisite background needed to achieve initial certification as a school business administrator. First, a candidate needs to possess at least an initial license in another educational role and to have completed at least three years of employment in a district-wide, school-based or other educational setting. Completion of at least three years of employment in a business management or other setting accepted by the DESE can be substituted for the above school experience. Potential school business administrators also must pass the MTEL Communication and Literacy Skills test.

The regulations also require that the school business administrator possess subject matter knowledge in the areas of financial planning and management, accounting systems, management of state and federal funds for special services (food service, transportation and special education), municipal and school

finance laws and regulations, personnel and collective bargaining, and purchasing and facilities, among others.

Lastly, a candidate must complete an approved post-baccalaureate program including a supervised practicum of 300 hours in the school business administrator role, or 300 hours in an apprenticeship with a trained mentor consistent with DESE guidelines or submit to a panel review where the candidate's portfolio of work is assessed by DESE staff. The requirements for certification are fairly rigorous and are not easily attained without a significant time commitment.

## Acknowledgements

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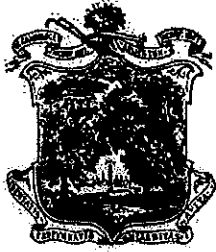
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Annie LaCourt, Selectman  
Alan Jones, Finance Committee  
Allan Tosti, Finance Committee  
Brian Sullivan, Town Manager  
Adam Chapdelaine, Deputy Town Manager  
Domenic Lanzillotti, Purchasing Officer  
Ruth Lewis, Comptroller  
Cynthia Fields, Assistant Comptroller  
Debbie Buono, Junior Accountant  
Christine Lambrych, Data Processing Assistant  
Stephen Gilligan, Treasurer/Collector  
Paul Olsen, Management Analyst  
Karen Reilly, Cash Manager  
Denice Goreham, Assistant Collector Real Estate  
Patty O’Riordan, Data Input Operator  
Donna McLean, Assistant Collector MVE  
Barbara Perez, Principal Account Clerk  
Carol Filosi, Head Cashier

Kirsi Allison-Ampe, School Committee  
Cindy Starks, School Committee  
Dr. Kathleen Bodie, Superintendent  
Diane Johnson, Chief Financial Officer  
Janet Collins, Budget Analyst  
Neile Emond, Procurement Officer  
Steve Walenski, Accounts Payable Clerk  
Julia McLaughlin, Director of Payroll  
Kelly Pigott, Payroll Clerk  
Maria Lalicata, Payroll Clerk  
Robert Spiegel, Human Resources Officer  
Julie Dunn, Grant Writer/Coordinator  
Kevin Feeley, Board of Assessors  
John Speidel, Director Assessing  
Dave Good, Chief Technology Officer  
Charles Norton, Manager Systems  
Development  
Renee Davis, Powers & Sullivan CPA



## TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

### DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

## MEMORANDUM

To: Board of Selectmen  
Adam Chapdelaine, Town Manager  
From: Laura Wiener, Assistant Director of Planning  
Date: January 22, 2015  
RE: Complete Streets State Program

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Toward the end of 2014, the State enacted a Complete Streets Program (Chapter 90I), with projected funding of \$50,000,000 over the next 5 years, but as yet unappropriated. The funding is intended to help communities fund planning and construction of complete streets, defined as "streets that provide accommodations for users of all transportation modes, including, but not limited to walking, cycling, public transportation, automobiles and freight". The program requires towns to accept the legislation by a vote of town meeting, in order to be eligible for funding. I am writing to request the Board place an article on the Warrant for 2015 Town Meeting to accept the program, in order to be in a position to apply for funds when the program is up and running, presumably in fiscal 2016.

There are a number of other requirements that will follow after Town Meeting acceptance. The program requires the Town to:

1. Adopt a Complete Streets policy. This can be done as a bylaw or as an administrative policy. It should express the Town's commitment to implementation, and outline flexible guidelines. The legislation specifically allows for exceptions.
2. Conduct a baseline inventory of pedestrian and bicycle accommodations. The DPW has done much of this work already.
3. Incorporate the policy into routine road work. Designate appropriate times and conditions for Complete Streets to be considered.
4. Adopt a review process for private development. The Redevelopment Board would be the likely board to incorporate the Town's Complete Streets policy into its review of large private developments.
5. Establish a Municipal Mode Share Goal. Collect data before and after to see if implementation has had an impact on increasing pedestrian, bike and transit trips, and decreasing vehicle trips. The State's Mode Shift Goal is to triple walking, biking, and transit trips, though the Town's does not have to be so ambitious. The State's goals are to decrease congestion, increase the life of its infrastructure, improve the environment, and achieve positive public health outcomes by providing more healthy transportation options.

Attached is proposed language for a warrant article. I will be available to answer any questions you have at your upcoming meeting.

## OFFICE OF THE BOARD OF SELECTMEN

STEVEN M. BYRNE, CHAIR  
JOSEPH A. CURRO, JR., VICE CHAIR  
KEVIN F. GREELEY  
DIANE M. MAHON  
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

February 12, 2015

Dear Registered Voter:

The Board of Selectmen will meet on Monday, February 23rd at 7:15 p.m., Selectmen's Chambers, 2<sup>nd</sup> Floor, Town Hall, to discuss the Warrant Article petition that you signed. These items were originally scheduled on the February 9th meeting which was cancelled due to snow.

- |            |   |
|------------|---|
| Article 8  | BYLAW AMENDMENT/LIMITING SPEAKING TIME FOR<br>ANNOUNCEMENTS AND REPORTS |
| Article 9  | BYLAW AMENDMENT/HUMAN RIGHTS COMMISSION                                 |
| Article 15 | BOARD OF ASSESSOR CHANGES   |

Please feel free to contact Mary Ann or Fran in my office at the above number to confirm or if you require any further information.

Thank you.

Very truly yours,  
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka  
Board Administrator

MAK:fr

**ARTICLE 8**

**BYLAW AMENDMENT/LIMITING SPEAKING TIME FOR  
ANNOUNCEMENTS AND REPORTS**

To see if the Town will vote to amend Title I, Article 1, Section 7C of the Town Bylaws, Regulation of Speakers, by further limiting the time a person shall speak, or otherwise hold the floor, for the purpose of presenting reports and announcements or any other remarks that do not pertain to an actionable article in the warrant; or take any action related thereto.

(Inserted at the request of Paul Schlichtman and ten registered voters)

**ARTICLE 9**

**BYLAW AMENDMENT/HUMAN RIGHTS COMMISSION**

To see if the Town will vote to update Title II Article 9 - Human Rights Commission for complaints against town departments and agencies; or take any action related thereto.

(Inserted at the request of Stephen Harrington and ten registered voters)

**ARTICLE 15**

**HOME RULE/BOARD OF ASSESSOR CHANGES**

To see if the Town will vote to implement the recommendations of the 2012 Massachusetts Department of Revenue "Town and School Finance Analysis" report to make the Director of Assessments an appointment of the Town Manager and to consider changing, or to change, the Board of Assessors from an elected to an appointed board; or take any action related thereto.

(Inserted at the request of Christopher Loreti and ten registered voters)



Paul Schlichtman  
Speaking Time Limits

Paul Schlichtman  
47 Mystic Street, 8C  
Arlington, MA 02474

John Bilafer  
15 Victoria Road  
Arlington, MA 02474

Mary Ellen Bilafer  
59 Cutter Hill Road  
Arlington, MA 02474

Thomas Caccavaro, Jr.  
28 Ridge Street  
Arlington, MA 02474

Dean Carman  
29 Kilsythe Road  
Arlington, MA 02476

Joseph Connors  
78 Bates Road  
Arlington, MA 02474

Dennis Corbett  
19 Winter Street  
Arlington, MA 02474

John Cronin  
29 Wyman Terrace  
Arlington, MA 02474

William Downing  
24 Fabyan Street  
Arlington, MA 02474

Peter Fuller  
7 Kilsythe Road  
Arlington, MA 02476

Stephen Harrington  
74 Columbia Road  
Arlington, MA 02474

Stephen Harrington  
Human Rights Commission  
Bylaw Change

Stephen Harrington  
Maria Harrington  
74 Columbia Road  
Arlington, MA 02474

Albert Cook  
239 Broadway  
Arlington, MA 02474

James Hall  
127 High Haith Road  
Arlington, MA 02476

Doris Mainville  
279 Highland Avenue  
Arlington, MA 02476

John Anderson  
37 Berkeley Street  
Arlington, MA 02474

Chandreyee Das  
53 Yerxa Road  
Arlington, MA 02474

William Harrelson  
27 Ashland Street  
Arlington, MA 02476

Victoria Boursiquot  
18 Rockaway Lane  
Arlington, MA 02474

Elizabeth Dyer  
21 Central Street  
Arlington, MA 02476

Lori Kenschaft  
68 Crosby Street  
Arlington, MA 02474

Chris Loreti  
Board of Assessor Changes

Christopher Loreti  
56 Adams Street  
Arlington, MA 02474

John Belskis  
196 Wollaston Avenue  
Arlington, MA 02476

Elsie Fiore  
58 Mott Street  
Arlington, MA 02474

David Garbarino  
735 Concord Turnpike  
Arlington, MA 02476

Jon Gersh  
24 Kipling Road  
Arlington, MA 02476

Brian Hasbrouck  
46 Sherborn Street  
Arlington, MA 02474

Peter & Jane Howard  
12 Woodland Street  
Arlington, MA 02476

Gordon Jamieson  
163 Scituate Street  
Arlington, MA 02476

Heather Remoff  
1 School Street  
Arlington, MA 02476

Michael Ruderman  
9 Alton Street  
Arlington, MA 02474



## Town of Arlington, Massachusetts

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### FY2015 CDBG Allocation

#### Summary:

Cliff Taffet, US Department of Housing and Urban Development - Be Rec'd

#### ATTACHMENTS:

Type	Description
 Reference Material	Letter from HUD



OFFICE OF THE ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-7000

SELECTED BY  
FEB 18 2 22 PM '15

February 10, 2015

*Carles Rec*  
*2/23/15*

Mr. Steve M. Byrne  
Chairperson of Arlington  
730 Massachusetts Ave  
Arlington, MA 02476-4908

Dear Chairperson Byrne,

I am pleased to inform you of your jurisdiction's Fiscal Year (FY) 2015, allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low and moderate-income persons and special populations across the country. President Obama signed Public Law 113-235 on December 16, 2014, which includes FY 2015 funding for these programs. Your jurisdiction's FY 2015 available amounts are:

Community Development Block Grant (CDBG)	\$1,042,348
HOME Investment Partnerships (HOME)	\$ 0
Housing Opportunities for Persons with AIDS (HOPWA)	\$ 0
Emergency Solutions Grants (ESG)	\$ 0

This letter highlights several important points related to these programs. First, Secretary Julián Castro is committed to making HUD the "Department of Opportunity" and is establishing a number of initiatives intended to achieve that goal. In 2015, we are celebrating the 50<sup>th</sup> anniversary of the Department's establishment and these initiatives will build on HUD's mission to promote homeownership, support community development, and increase access to affordable housing free from discrimination. The Department looks forward to working with grantees on these key goals and urges you to review the entire plan at: <http://portal.hud.gov/hudportal/HUD?src=/hudvision>

Second, HUD recommends that grantees effectively plan and implement programs that leverage these critical Federal financial resources to achieve the greatest possible return for the communities and individuals they are intended to assist. If you would like assistance from CPD in redesigning, prioritizing or targeting your programs, either you or the head of the agency that administers your program may request technical assistance through your local CPD Director.

Third, HUD urges grantees to consider using CDBG funds, to the extent possible, to support investments in predevelopment activities for infrastructure and public facilities activities. A Presidential Memorandum (<http://www.whitehouse.gov/the-press-office/2015/01/16/presidential-memorandum-expanding-federal-support-predevelopment-activit>) issued January 16, 2015, instructed federal agencies to expand support for predevelopment activities and HUD will be sending CDBG grantees a separate letter detailing this initiative and outlining key predevelopment principles.

Fourth, HUD encourages grantees to use funds from all CPD programs to work towards the goals of *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness*. Specifically, with the increase in the FY 2015 ESG allocation nationally, HUD expects that communities will allocate as much of their ESG funds for Rapid Re-housing activities as possible, to end homelessness for more individuals and families living on the streets and in shelters.

Finally, the Integrated Disbursement and Information System (IDIS), which is HUD's financial and data system for managing these formula programs, will no longer commit and disburse grant funds on a first-in first-out (FIFO) basis beginning with the FY 2015 grants. Going forward, FY 2015 and future grants will be committed and disbursed on a grant specific basis and HUD will provide further guidance on this change in the near future.

The Office of Community Planning and Development looks forward to working with you in partnership to successfully meet the challenges we face. Please contact your local CPD office if you or your staff has any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Cliff Taffet", with a stylized flourish at the end.

Cliff Taffet  
General Deputy Assistant Secretary



## **Town of Arlington, Massachusetts**

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### **Set Two Hour Limit on Robbins Library and Whittemore-Robbins House Parking Lots**

#### **Summary:**

Jeff Boudreau, 99 Bow Street via Request/Answer Center - Be Rec'd

#### **ATTACHMENTS:**

Type	Description
▣ Reference Material	e-mails from Mr. Boudreau, Meeting notice

**From:** J Boudreau <notlobmusic@gmail.com>  
**To:** MaryAnn Sullivan <MSullivan@town.arlington.ma.us>  
**Date:** 02/06/2015 12:12 PM  
**Subject:** Re: agenda request-library parking

---

Thank you.

I ask the correspondence be annotated.  
Strike the reference to parking in the spaces closest to the library steps.  
I have learned First Parish owns those spaces.  
The rest stands.

**Jeff Boudreau**  
**notloB Music**



**From:** "Request/Answer Center" <arlingtonma@mycusthelp.net>  
**To:** "Fran Reidy" <FREidy@town.arlington.ma.us>  
**Date:** 01/22/2015 03:16 PM  
**Subject:** [BOSAdmin] Incoming BoS Agenda Item Request

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1/22/2015 3:15:00 PM  
Robbins Library pkg limit

Problem - long term parking by non-library patrons consume spaces that should be available for library patrons.  
Background - The spaces adjacent to the main entrance are filled daily with vehicles owned by construction workers employed by the near by UU church. I suspect many other spaces are used all day by commuters. Solution - As it is on Mass Ave nearby, set a two hour limit on the Robbins and Whittemore-Robbins House parking lots and enforce the limit. If this causes a hardship for library employees, designate spaces on Mass Ave as was done for high school teachers and staff, else in the town lot across Mass Ave.

JeffBoudreau

W052552-012215

Do **NOT** respond to this email. It is for informational purposes only. Click this link to review Request.  
<https://mycusthelpadmin.com/ARLINGTONMA/Zadmin/ServiceRequests/Details.aspx?id=52552>

**From:** "MaryAnn Sullivan" <MSullivan@town.arlington.ma.us>  
**To:** notlobmusic@gmail.com  
**Cc:** "Fran Reidy" <FReidy@town.arlington.ma.us>  
**Date:** 02/06/2015 12:02 PM  
**Subject:** agenda request-library parking

---

Hi Mr. Boudreau,  
I checked with Marie and your request/answer re: library parking will be on the February 23rd agenda under Correspondence Received. You are not required to be there, but may attend if you'd like. Mary Ann  
Mary Ann Sullivan  
Town of Arlington  
Selectmen's Office  
(781) 316-3024  
(781) 316-3029 FAX



## Town of Arlington, Massachusetts

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### Parking on West Side of Mill Street

#### Summary:

Edward Starr, 7 Twin Circle Drive - Be Rec'd

#### ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Correspondence from Mr. Starr, Meeting notice

7 Twin Circle Drive  
Arlington, MA

RECEIVED  
Arlington, MA  
FEB 15 2 00 PM '15

Board of Selectmen  
730 Mass Ave  
Arlington, MA

10 February 2015

Subject: Parking on West Side of Mill Street

Dear Honorable Selectmen,

The approach to Mass Avenue on Mill Street now has a Left Turn Only lane. This divides Mill approaching Mass Ave into two lanes, left turning vehicles and straight through/right turning vehicles. During the commuter hours, there is usually a line of vehicles waiting to make a left turn at the signal. Often this line extends back to the parking spots on the west side of Mill near the corner with Mill Brook. This then blocks access to the straight through/right turn lane.

Observation indicates that very frequently one or more vehicles are parked there during commuter hours, blocking the through/right turn lane. This leads to longer queues of vehicles on Mill Street, blocking access to Mill Brook, and frequently reaching up to Summer Street. It appears that some modifications to the allowed parking at this location could improve the operation of Mill Street during commuter hours, both AM and PM.

I would like to request that you ask the Transportation Advisory Committee to review this situation and make recommendations to the Board on the optimum use of the on-street parking on the West side of Mill. The goal is to reduce the congestion on Mill Street during commuter hours, while at the same time taking into consideration the needs of the local businesses.

Respectfully submitted,



Edward Starr  
7 Twin Circle Drive  
Arlington, MA

## OFFICE OF THE BOARD OF SELECTMEN

STEVEN M. BYRNE, CHAIR  
JOSEPH A. CURRO, JR., VICE CHAIR  
KEVIN F. GREELEY  
DIANE M. MAHON  
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

February 13, 2015

Edward Starr  
7 Twin Circle Drive  
Arlington, MA 02474

Dear Ed:

We are in receipt of your correspondence of February 10<sup>th</sup> in which you discuss parking on the west side of Mill Street.

Thank you for writing to the Board of Selectmen. Your correspondence will appear on the February 23<sup>rd</sup> Selectmen's Agenda under "Correspondence Received". Although it is not necessary for you to attend the meeting, you may do so if you are so inclined.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,  
BOARD OF SELECTMEN

*Marie A. Krepelka*  
Marie A. Krepelka  
Board Administrator

MAK:fr



## **Town of Arlington, Massachusetts**

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**NEW BUSINESS**



## **Town of Arlington, Massachusetts**

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### **EXECUTIVE SESSION**



## **Town of Arlington, Massachusetts**

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**Next Meeting of BoS March 9, 2015**